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SC Court of Appeals

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Administrative Law Judge Robert L. Reibold

ALC Case No. 23-ALJ-04-0341-AP
Appellate Case No. 2024-000412

MARSHALL MILLER, # 249557,

APPELLANT,

v.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS,

RESPONDENT.

INITIAL BRIEF OF RESPONDENT

**SOUTH CAROLINA DEPARTMENT
OF CORRECTIONS**

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STATEMENT OF ISSUE ON APPEAL

SINCE AN INTERVENING OCCURRENCE HAS RENDERED THE APPEAL MOOT SUCH THAT NO JUSTICIABLE CONTROVERSY REMAINS, THE APPEAL SHOULD BE DISMISSED.

STATEMENT OF THE CASE

This matter comes before this Court pursuant to the appeal of Marshall Miller (Appellant), an inmate who was formerly confined in the South Carolina Department of Corrections (SCDC). Before he left SCDC custody, Appellant submitted grievances concerning his rate of pay for his work in Prison Industries. These grievances were denied, and Appellant appealed to the Administrative Law Court in September of 2023. On February 9, 2024, Administrative Law Judge Robert L. Reibold issued an Order Dismissing Appeal. This appeal followed.

STANDARD OF REVIEW

S.C. Code Ann. § 1-23-610(B) provides the general standard of review for appeals from the Administrative Law Court:

The review of the administrative law judge's order must be confined to the record. The reviewing tribunal may affirm the decision or remand the case for further proceedings; or it may reverse or modify the decision if the substantive rights of the petitioner have been prejudiced because the finding, conclusion, or decision is:

- (a) in violation of constitutional or statutory provisions;
- (b) in excess of the statutory authority of the agency;
- (c) made upon unlawful procedure;
- (d) affected by other error of law;
- (e) clearly erroneous in view of the reliable, probative and substantial evidence on the whole record; or
- (f) arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

In an appeal of a final decision of an administrative agency, the standard of appellate review is whether the ALC's findings are supported by substantial evidence. S.C. Code Ann. § 1-23-610(B). "Substantial evidence" is evidence which, considering the record as a whole, would allow a reasonable mind to reach the same conclusion that administrative agency reached. Hendley v. S.C. State Budget & Control Bd., 325 S.C. 413, 481 S.E.2d 159 (Ct. App. 1996). A reviewing court shall not substitute its own judgment for that of the ALC as to findings of fact, but it may reverse or modify decisions that are controlled by errors of law or that are clearly erroneous in view of the substantial evidence on the record as a whole. Id.

ARGUMENT

SINCE AN INTERVENING OCCURRENCE HAS RENDERED THE APPEAL MOOT SUCH THAT NO JUSTICIABLE CONTROVERSY REMAINS, THE APPEAL SHOULD BE DISMISSED.

In this case, Appellant appeals from an order from the Administrative Law Court (ALC) denying his request to be paid the prevailing wage for his work in the Prison Industries program in SCDC. The ALC dismissed the case in the ground that Appellant failed to exhaust his administrative remedies. In Appellant’s Initial Brief, which was filed and served in April of 2024, he argued that the ALC erred in dismissing his appeal and that the ALC should have addressed the merits of the appeal – i.e., whether Appellant was entitled to be paid the prevailing wage for his work in Prison Industries.

After Appellant submitted his Initial Brief, the parties both signed a document entitled “Final Release and Settlement Agreement” on June 21, 2024. (This document is already part of the filings provided to the Court previously – see filing of Respondent dated July 25, 2024.¹) In this document, Appellant agreed that in exchange for payment of a stated sum of money, he would “release, acquit, and forever discharge the SCDC, their agents, successors and assigns, and any and all other firms, persons, associations, corporations, or entities from any and all claims, grievances, Administrative Law Court cases, appeals, demands, causes of action, actions or suits of any kind or nature whatsoever, including, but not limited to, all claims, known or unknown, relating to the monies paid to Inmate, of any kind including but not limited to claims to be paid the “prevailing wages” pursuant to S.C. Code Ann. 24-3-430(d), remittances of monies, back payment of wages, and any other

¹ The records from the appellate proceedings in this Court are presently available through the South Carolina Appellate Public Index. Appellate Records for Marshall Miller v. SCDC, South Carolina Appellate Court Public Index, 2024-000412: Case View (sccourts.org). However, some of the filings referenced in this Brief are not available on the public website, although they are part of the Court’s file.

damages of any kind whatsoever on account of or arising out of or in any way relating to participation in the Prison Industries Program, including any Prison Industries Enhancement Program (“PIE” or “PIECP”) while incarcerated at the South Carolina Department of Corrections, including but not limited to, **any matters currently pending in any South Carolina court, including any appellate court.** Inmate agrees that any pending court matter shall be ended and/or dismissed with prejudice and Inmate shall sign any necessary documents to effectuate dismissal (emphasis added).”

Appellant has acknowledged to this Court that he signed a document containing this language. (See Appellant’s letter dated July 16, 2024 and Appellant’s letter and attachments filed August 7, 2024). He also has acknowledged to this Court that he received the funds, in the amount listed in the document, in his inmate account. (See Appellant’s letter dated July 16, 2024).² Pursuant to the language in the document signed by Appellant, this appeal, which relates to SCDC’s payment of wages for work in Prison Industries, “shall be ended and/or dismissed with prejudice.” (See filing of Respondent dated July 25, 2024).

The execution of a settlement agreement in this matter has rendered the appeal moot because no justiciable controversy remains. A justiciable controversy exists “when there is a real and substantial controversy which is appropriate for judicial determination, as distinguished from a dispute that is contingent, hypothetical, or abstract.” Sloan v. Friends of Hunley, Inc., 369 S.C. 20, 25, 630 S.E.2d 474, 477 (2006) (citation omitted). “A moot case exists where a judgment rendered by the court will have no practical legal effect upon an existing controversy because an intervening

² Appellant did raise an issue regarding his belief that additional funds should have been deposited into his long-term savings account. (See Appellant’s letter dated July 16, 2024 and Appellant’s letter and attachments filed August 7, 2024). However, this Court is not the appropriate forum for litigating a contract dispute. Appellant is free to dispute the settlement agreement using the proper protocols.

event renders any grant of effectual relief impossible for the reviewing court.” Mathis v. South Carolina State Highway Dep’t, 260 S.C. 344, 346, 195 S.E.2d 713, 715 (1973). “If there is no actual controversy, this Court will not decide moot or academic questions.” Id.

The execution of a settlement agreement has rendered this appeal moot because no justiciable controversy remains as to the issues raised in Appellant’s Brief. Accordingly, Respondent respectfully requests that this Court dismiss the matter as moot.

CONCLUSION

For the foregoing reasons, this Court should dismiss the appeal as moot.

Respectfully submitted,

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October 1, 2024