

STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM THE ADMINISTRATIVE LAW COURT

Administrative Law Judge Ralph King Anderson, III

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ALC Case No. 23-ALJ-04-0544-AP  
Appellate Case No. 2024-000718

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JAMES TUCKER, # 260993,

APPELLANT,

v.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS,

RESPONDENT.

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**MOTION TO DISMISS APPEAL**

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Appellant filed an appeal challenging an order of the Administrative Law Court (ALC) which dismissed his request to be paid the prevailing wage for his work in Prison Industries. On September 10, 2024, this Court issued an Order remanding the matter to the ALC with instructions to further remand the matter to the Department of Corrections for issuance of a corrected Step Two Grievance response. The Order stated that the Department was to provide the Court of Appeals status with updates every thirty days. On September 26, 2024, the ALC issued an Order remanding the matter back to the Department. On October 9, 2024, Appellant was served with a corrected Step Two Grievance response (attached). The Step Two response

explained that the Department had performed wage calculations for Appellant's work in Prison Industries at the prevailing wage rate and noted that Appellant had twice rejected an offer for the full net amount. The Step Two response also provided that that if Appellant wished to dispute the Department's calculations or the time period of the calculations, he could file a new Notice of Appeal.

Accordingly, since the instant matter regarding Appellant's inmate pay is now moot, Respondent respectfully requests that the appeal be dismissed.

Respectfully submitted,

**SOUTH CAROLINA DEPARTMENT  
OF CORRECTIONS**

BY: 

**CHRISTINA C. BIGELOW**  
Deputy General Counsel  
Office of General Counsel  
S.C. Department of Corrections  
Post Office Box 21787  
Columbia, South Carolina 29221  
(803) 896-8508

**ATTORNEY FOR RESPONDENT**

October 10, 2024

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS  
INMATE GRIEVANCE FORM  
STEP 2

Office Use Only

INMATE NAME: James Tucker  
SCDC NUMBER: 260993  
INSTITUTION: ACI  
HOUSING UNIT: \_\_\_\_\_  
WORK ASSIGNMENT: \_\_\_\_\_

Grievance No. ACI-0239-23  
Code: General MY/NLS  
Policy \_\_\_\_\_  
Disc. Hear. \_\_\_\_\_  
Class \_\_\_\_\_  
PREA \_\_\_\_\_  
Date Received \_\_\_\_\_  
IGC Initials: \_\_\_\_\_  
Date Received: 10/9/24  
IGA Initials: EQB

INMATE'S REASON FOR APPEAL (state specific dissatisfaction):

In accordance with SCDC Policy GA-01.12, "Inmate Grievance System," due to the nature of allegations you have raised in your Grievance, it has been forwarded to the Inmate Grievance Branch Central Office and Office of General Counsel for a response. Inmate's signature has been adopted from SCDC 10-5, Step 1 Inmate Grievance Form.

Grievant Signature N/A Date N/A

RESPONSIBLE OFFICIAL'S DECISION AND REASON:

**SEE REVERSE SIDE FOR RESPONSIBLE OFFICIAL'S DECISION & REASON**

Responsible Official Signature Bartolomeo Vincent Date 10-9-24

The decision rendered by the responsible official exhausts the appeal process of the Inmate Grievance Procedure. I hereby acknowledge receipt of the official's response and understand this is the Agency's final response to this matter.

Grievant Signature James A. Tucker Date 10-9-24

IGC Signature B. Williams Date 10/9/24

(SEE REVERSE SIDE FOR INSTRUCTIONS)

Served By: W. LANGRISH  
WARDEN

## INSTRUCTIONS FOR COMPLETING STEP 2 GRIEVANCE FORM

1. Complete form in its entirety, writing only in the space provided for inmate use.
2. State your specific reason for further appeal. Do not submit any new issues for review. No additional pages will be permitted.
3. Submit this completed form with your copy of the Step 1 form by placing in the Grievance Box within five (5) days of your receipt of the Warden's decision. Do not write in the space provided for the responsible official.
4. The decision rendered by the responsible official exhausts the appeal process of the SCDC Inmate Grievance Procedure.

### **Tucker #260993 ACI-0239-23**

SCDC has calculated your pay at the prevailing wage rate for your Prison Industries job code(s) from July 2017 through March 2023. Any labor performed at any other time was work not subject to the prevailing wage statute. Specifically, work performed as an "Industries Trainee" at Broad River was not subject to the prevailing wage statute because it was traditional or service work. The calculations resulted in the following:

Gross total: \$5,323.69

Deductions that would be taken out if SCDC paid the gross total to you as backpay consist of victim restitution, room and board, and long-term savings:

20% Victim Restitution: \$1,064.73

25% Room and Board: \$1,330.92

10% LT Savings: \$532.36

Net total: \$2,395.68

SCDC believes its calculations are correct. SCDC offered you the full net amount twice in July 2024. You were provided with a detailed chart showing exactly how the calculations were performed. It is our understanding that you disagreed with the amount and rejected the offers. Therefore, we consider your grievance resolved. If you dispute the time period in question or the calculations, you may file an appeal.

**RECEIVED**

**Oct 10 2024**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
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v.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS,

RESPONDENT.

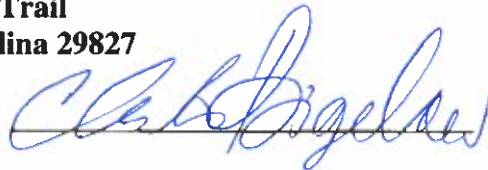
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**CERTIFICATE OF SERVICE**

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Undersigned counsel hereby certifies that on this date, she mailed a copy of the **Motion to Dismiss Appeal** to Appellant, addressed as follows:

**James Tucker, # 260993**  
**Allendale Correctional Institution**  
**HAA-0012**  
**1057 Revolutionary Trail**  
**Fairfax, South Carolina 29827**



**Christina Catoe Bigelow**  
Deputy General Counsel  
S. C. Department of Corrections  
Post Office Box 21787  
Columbia, S. C. 29221  
(803) 896-8508

October 10, 2024



**SOUTH CAROLINA**  
DEPARTMENT OF CORRECTIONS  
*Division of Legal Counsel & Compliance*

HENRY McMASTER, Governor  
BRYAN P. STIRLING, Director

**RECEIVED**

**Oct 10 2024**

**SC Court of Appeals**

October 10, 2024

The Honorable Jenny A. Kitchings  
Clerk of Court, S.C. Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

**RE: James A. Tucker, # 260993 v. South Carolina Department of Corrections**  
**Appellate Case No. 2024-000718**

Dear Ms. Kitchings:

Enclosed please find Respondent's **Motion to Dismiss Appeal** in the above referenced matter, along with **Proof of Service**. A copy of the same is being mailed to Appellant today.

Thank you for your attention to this matter, and please do not hesitate to contact me should there be any questions or concerns.

Sincerely,

Christina Catoe Bigelow  
Deputy General Counsel  
South Carolina Department of Corrections  
S.C. Bar No. 73562

cc: James A. Tucker, # 260993  
Allendale Correctional Institution  
HAA-0012  
1057 Revolutionary Trail  
Fairfax, South Carolina 29827