

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-04-0534-AP  
Appellate Case No. 2024-000669

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JAMES T. GENTRY, JR., # 261188,

APPELLANT,

v.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS,

RESPONDENT.

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**MOTION TO DISMISS APPEAL AS MOOT**

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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. Respondent sent a settlement offer to Appellant regarding this matter on October 15, 2024, and Appellant rejected the offer. On October 17, 2024, Appellant was served with the Department's Final Agency Decision setting forth its wage calculations and providing him with the opportunity to appeal the time period and/or calculations (see attached). Since the underlying issue in this appeal - Appellant's request to be paid the prevailing wage for his work in Prison Industries - is now moot because the Department has issued an appealable Final Agency Decision regarding

Appellant's prevailing wage pay, Respondent respectfully requests that this case be dismissed.

Accordingly, since the instant matter regarding Appellant's inmate pay is now moot, Respondent respectfully requests that this 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 18, 2024

**SOUTH CAROLINA DEPARTMENT OF CORRECTIONS  
OFFICE OF GENERAL COUNSEL  
MEMORANDUM**

TO: James Gentry, # 261188  
INSTITUTION: Livesay - N6-0011  
FROM: Office of General Counsel  
DATE: October 17, 2024  
RE: Prison Industries Payment - **FINAL AGENCY DECISION**

Dear Mr. Gentry:

SCDC has calculated your pay at the prevailing wage rate for your Prison Industries job code from 2013 through 2022. Any labor performed at any other time was work not subject to the prevailing wage statute. The calculations resulted in the following:

Gross total: \$ [REDACTED]  
Deductions:  
    20% Victim Restitution: \$ [REDACTED]  
    35% Child Support: \$ [REDACTED]  
    10% LT Savings: [REDACTED]  
Net total: \$ [REDACTED]

SCDC believes its calculations are correct, as these calculations are supported by the attached documentation, which consists of a spreadsheet showing the calculations, a chart showing the prevailing wage for your job code, and a documents showing you signed off on the job code. However, it is our understanding that you disagree with SCDC's calculations and have rejected the offer sent to you.

This document serves as the **Final Agency Decision** as to the matter of your inmate pay for all work in Prison Industries. **If you dispute the time period in question or the calculations, you may file an appeal. An ALC appeal form is being provided as a part of this packet. If you decide to appeal, you will note that the form asks for your grievance number. In that space, simply write "Final Agency Decision dated 10/17/2024."**

This document was served on James Gentry, # 261188, on 10-17-24 (date) by A/W Smith (staff member name).

A/W Smith  
Staff Member Signature

SOC Code	Pay Period	Hours Worked	Overtime	Hourly rate	Federal Minimum Wage	Aug Merit Wage	Difference
51-7042	05/01/2022-08/03/2022	436.75		\$7.25	\$7.25	\$18.30	
51-7042	OVERTIME		11.00	\$10.88	\$10.88	\$27.45	
51-7042	12/11/2021-04/30/2022	436.50		\$7.25	\$7.25	\$16.76	
51-7042	OVERTIME		0.00	\$10.88	\$10.88	\$25.17	
51-9199	08/01/2021-12/16/2021	23.75		\$7.25	\$7.25	\$18.43	
51-9199	OVERTIME		0.00	\$10.88	\$10.88	\$25.17	
51-9199	05/01/2020-08/02/2021	904.25		\$7.33	\$7.25	\$18.43	
51-9199	OVERTIME		0.00	\$11.00	\$10.88	\$27.65	
51-9199	05/01/2019-04/30/2020	1390.50		\$7.33	\$7.25	\$16.76	
51-9199	OVERTIME		0.00	\$11.00	\$10.88	\$25.14	
51-9199	12/02/2018-04/30/2019	663.25		\$7.33	\$7.25	\$13.84	
51-9199	OVERTIME		16.25	\$11.00	\$10.88	\$20.76	
51-9199	05/01/2018-12/01/2018	918.25		\$7.30	\$7.25	\$13.84	
51-9199	OVERTIME		13.75	\$10.95	\$10.88	\$20.76	
51-9199	12/02/2017-04/30/2018	584.75		\$7.30	\$7.25	\$13.86	
51-9199	OVERTIME		1.25	\$10.95	\$10.88	\$20.79	
51-9199	08/02/2017-12/01/2017	645.75		\$7.25	\$7.25	\$13.86	
51-9199	OVERTIME		24.50	\$10.88	\$10.88	\$20.79	
51-9199	04/02/2016-04/30/2024	390.25		\$7.25	\$7.25	\$13.59	
51-9199	OVERTIME		1.00	\$10.88	\$10.88	\$20.39	
	TOTAL	6374.00	67.75				
	Amount Due						

Genery James  
261188



DEDUCTIONS  
20% Victim Restitution  
39% Child Support  
20% LT Savings  
Total Deductions  
NET TOTAL



SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

INDUSTRIES

(Show Industries)

Job Description

James T. Gentry Jr

SOC CODE/TITLE: 61-7042

Job Title: WOOD WORKERS

Location: LIVESAY

Work Times: 1<sup>st</sup>, 2<sup>nd</sup> or 3<sup>rd</sup> shift\*\*\*

Pay Rate: \$7.25

**Summary:**

The position of Wood Worker requires that the worker possess the aptitude to learn one or more of the following job responsibilities:

To know current grading specifications for all veneer and HDF, and procedures for building panel layouts for all types of wood produced by the plant and distinguish between a short joint, side drop, core voids and overlap.	To know procedures for putting all products produced, ticket location and spray paint standards, and identify voids in wood boards at the out feed of press; Fill voids properly with wood putty/epoxy as required by specifications.
To be able to correct any bad layouts to ensure quality control.	Know procedures for glue change, roller speeds, layout procedures.
Able to thoroughly clean the spreader during and after production.	Must be able to clean the machine and maintain and operate the machine.
Know loading/unloading procedures at production speed.	Visually inspect products for defects.

**Duties and Responsibilities:**

Capable of meeting work schedules and productivity levels. Read and understand process sheets, prints, work instructions and Process Work Instructions (PWI) standards applicable to the product and process which the employee is completing. Read a ruler, use various types of measuring devices, and understand how these apply to ensuring product quality. Be able to verify prerequisite material prior to processing. Know basic operations of all machine/work areas of the plant and be able to make minor adjustments. Cross-train in all areas of the plant. Maintain safe, productive work environment.

\*\*\*1<sup>st</sup> 7am - 3pm, 2<sup>nd</sup> 3pm - 11pm, 3<sup>rd</sup> 11pm - 7am

  
 (M) Employee's Signature/Date

  
 SOC PI Manager's Signature/Date

Revised: D Koerig 1/14/19

**RECEIVED**

**Oct 18 2024**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Administrative Law Judge Ralph King Anderson, III

ALC Case No. 23-ALJ-04-0534-AP  
Appellate Case No. 2024-000669

JAMES T. GENTRY, JR., # 261188,

APPELLANT,

v.

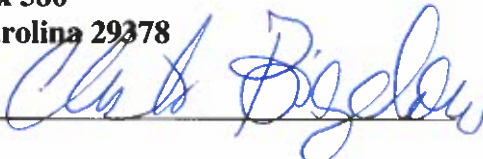
SOUTH CAROLINA DEPARTMENT OF CORRECTIONS,

RESPONDENT.

**CERTIFICATE OF SERVICE**

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

**James T. Gentry, Jr., # 261188**  
**Livesay Correctional Institution**  
**N6-0011**  
**Post Office Box 580**  
**Una, South Carolina 29378**



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

October 18, 2024



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

HENRY McMASTER, Governor  
BRYAN P. STIRLING, Director

**RECEIVED**

**Oct 18 2024**

**SC Court of Appeals**

October 18, 2024

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

**RE: James T. Gentry, Jr., # 261188 v. South Carolina Department of Corrections**  
**Appellate Case No. 2024-000669**

Dear Ms. Kitchings:

Enclosed please find Respondent's **Motion to Dismiss Appeal as Moot** in the above referenced matter, along with **Proof of Service**. A copy of the same is being mailed to Appellant today. Please note that the wage calculation numbers have been redacted from the attachment for Appellant's safety and privacy. The numbers were not, however, redacted from the copy served upon Appellant.

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 T. Gentry, Jr., # 261188  
Livesay Correctional Institution  
N6-0011  
Post Office Box 580  
Una, South Carolina 29378