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SC Court of Appeals

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Darren G. Scott, #233182,

Appellant,

v.

South Carolina Department of Corrections,

Respondent.

Docket No. 23-ALJ-04-0683-AP
Grievance No. ACI 0297-23

ORDER OF DISMISSAL

This matter is before the South Carolina Administrative Law Court (ALC) pursuant to the Notice of Appeal filed November 21, 2023, by Appellant Darren G. Scott (Appellant). Appellant's grievance with Respondent South Carolina Department of Corrections (Respondent or Department) concerned his wages. On January 23, 2024, Appellant filed his initial brief with this Court. On January 31, 2024, this Court issued an Order Granting Appellant's Motion to Supplement the Record. On March 13, 2024, this Court issued an Order Granting Respondent's Motion to Extend Time to File the Record. On April 12, 2024, Respondent filed the Record on Appeal with this Court. Appellant filed a renewed brief with this Court on May 7, 2024. On May 15, 2024, this Court issued an Order for Respondent to file a return to Appellant's April 29, 2024 letter requesting the Department fully comply with this Court's January 31, 2024 Order to supplement the Record on Appeal. On May 28, 2024, Respondent filed a Motion to Dismiss, stating that no state-created liberty or property interest was implicated in this case, because Appellant never worked for a Prison Industries Enhancement Certification Program (PIECP), which is subject to the prevailing wage statute. In its motion, Respondent states the record indicates Appellant does not have a private industry account, and during the time periods Appellant worked, Lieber Correctional Institution did not have a PIECP. On June 5, 2024, Appellant filed a response to the motion.

This Court reviews Department grievance decisions pursuant to the South Carolina Supreme Court decision in Al-Shabazz v. State, 338 S.C. 354, 527 S.E.2d 742 (2000). Under the Al-Shabazz line of cases, this Court may only review matters related to a state-created liberty or property interest. See id., 338 S.C. at 368-69, 527 S.E.2d at 749-50 (vesting the ALC with jurisdiction over the loss of state-created liberty interests such as accrued good time credit); Wicker v. S.C. Dept. of Corrs., 360 S.C. 421, 602 S.E.2d 56 (2004) (holding that inmate had a right to

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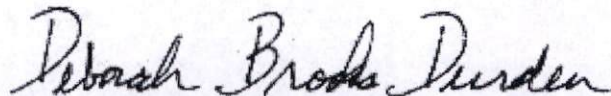
procedural due process in matters involving a state-created right to property such as wages). Specifically, the South Carolina Supreme Court has stated that summary dismissal of an otherwise properly perfected inmate appeal “may be appropriate where the inmate’s grievance does not implicate a **state-created** liberty or property interest.” Slezak v. S.C. Dept. of Corrs., 361 S.C. 327, 331, 605 S.E.2d 506, 508 (2004) (citation omitted) (emphasis added).

Appellant here is making a claim for wages pursuant to S.C. Code Ann. Sections 24-3-430(D) and 24-3-315. Contrary to Appellant’s assertion, the statutes at issue apply only to the prison work programs at SCDC, which are commonly referred to as the PIECP program. Section 24-3-315 expressly applies only to “inmates participating in any prison industry program pursuant to the Justice Assistance Act of 1984.” Section 24-3-430 states that it applies to “inmate labor by a nonprofit organization or in private industry for the manufacturing and processing of goods, wares, or merchandise.” These are programs that are organized as an exception to the general rule set forth in section 24-3-410 prohibiting the sale on the open market of products manufactured or produced by inmate labor.

Here, there is nothing in the record indicating that any of the work performed by Appellant as an inmate was a part of the PIECP program. Therefore, the requirement that the prevailing wage be paid is not applicable to Appellant’s prison employment. Because there is no statutory requirement that the prevailing wage be paid to Appellant, there is no state-created liberty or property interest involved in this matter. Therefore, finding good cause,

IT IS HEREBY ORDERED that the Department’s Motion to Dismiss is **GRANTED**, and this appeal is **DISMISSED, WITH PREJUDICE**.

AND IT IS SO ORDERED.



Deborah Brooks Durden, Judge
S.C. Administrative Law Court

October 22, 2024
Columbia, South Carolina