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Nov 15 2024

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-04-0731-AP
Appellate Case No. 2024-000486

WALKER HUGHES, # 286186,

APPELLANT,

v.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS,

RESPONDENT.

MOTION TO DISMISS APPEAL

On October 18, 2024, this Court issued an Order remanding the matter to the Administrative Law Court (“ALC”) with instructions to further remand this matter to the Department of Corrections (“Department”) to issue a corrected Step Two Grievance response. The order provided that the Department was to provide the Court of Appeals status updates every thirty days. The ALC issued an Order of Remand to the Department on October 29, 2024.

On November 12, 2024, the Department served Appellant with a corrected Step Two Grievance response (attached). If Appellant does not agree with the corrected Step Two Grievance response, Appellant may file a new Notice of Appeal with the ALC in the normal fashion and proceed from there.

Therefore, the Department respectfully requests that this Court dismiss this appeal.

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

November 15, 2024

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM
STEP 2

Office Use Only

INMATE NAME: Walker Hughes
SCDC NUMBER: 286186
INSTITUTION: PERRY
HOUSING UNIT: _____
WORK ASSIGNMENT: _____

Grievance No. PCI-058623
Code: General MYIWS
Policy _____
Disc. Hear. _____
Class _____
PREA _____
Date Received: _____
IGC Initials: _____
Date Received: _____
IGA Initials: _____

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:

SCDC has reviewed your entire work history. You have never had a Prison Industries Account. You worked in a service program at Kershaw Correctional Institution from 5/2/2003 through 8/16/2003. Because this was a service program and not a Prison Industries program, this work was not subject to the prevailing wage statute. Accordingly, you are not owed any funds.

Therefore, we consider your grievance resolved.

You may appeal this decision under the South Carolina Administrative Procedures Act to the South Carolina Administrative Law Court. In order to appeal, you must complete the attached Notice of Appeal form (Form) and submit it as instructed on the Form within thirty (30) days of receipt.

Responsible Official Signature [Signature] Date 11-12-24

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 [Signature] Date 11-12-24

IGC Signature [Signature] Date 11/12/24

(SEE REVERSE SIDE FOR INSTRUCTIONS)

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.

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

_____,)
Appellant,)
vs.)
South Carolina Department of Corrections,)
Respondent.)

NOTICE OF APPEAL

DOCKET NO. -ALJ-04- .
GRIEVANCE NO.: _____

Notice is hereby given that _____ does hereby
appeal the final decision of the South Carolina Department of Corrections dated _____ and
received on _____, a copy of which is attached. A general statement of the grounds for
appeal is (See S.C. Code Ann. § 1-23-380(A)(6)):

Appellant's Name _____

Signed _____

Mailing Address _____

Dated _____

City, State, Zip Code _____

CERTIFICATE OF SERVICE

I hereby certify that I, _____ (your name), on the ____ day of _____, 20____, in _____ (city),
South Carolina, served a copy of the foregoing Notice of Appeal on all parties to this matter by depositing the same in the United States
Mail, postage paid, or in the mail room of the undersigned's institution and addressed as follows:

Name of person/Agency served:

Address:

City, State, Zip Code: _____

Print your name Sign your name
(See reverse side for instructions)

Instructions for filing an appeal of the final agency decision from the South Carolina Department of Corrections:

- 1) **You must complete the Notice of Appeal on the reverse side of these instructions and mail it to the Administrative Law Court at the following address:**

**Clerk's Office
South Carolina Administrative Law Court
1205 Pendleton Street, Suite 224
Columbia, SC 29201**

A copy of the Notice of Appeal must also be forwarded to the Office of General Counsel at the Department of Corrections.

- 2) **In order for your case to be processed by the ALC, a copy of the final decision from the Department of Corrections must be attached to the Notice of Appeal.**

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WALKER HUGHES, # 286186,

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v.

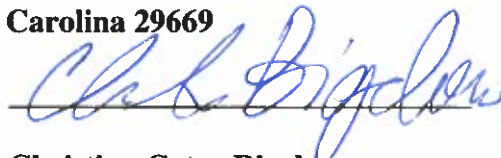
SOUTH CAROLINA DEPARTMENT OF CORRECTIONS,

RESPONDENT.

CERTIFICATE OF SERVICE

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

**Walker Hughes, # 286186
Perry Correctional Institution
Q1A-0207
430 Oaklawn Road
Pelzer, South Carolina 29669**



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

November 15, 2024



SOUTH CAROLINA
DEPARTMENT OF CORRECTIONS
Division of Legal Counsel & Compliance

HENRY McMASTER, Governor
BRYAN P. STIRLING, Director

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SC Court of Appeals

November 15, 2024

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

RE: Walker Hughes, # 286186 v. South Carolina Department of Corrections
Appellate Case No. 2024-000486

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: Walker Hughes, # 286186
Perry Correctional Institution
Q1A-0207
430 Oaklawn Road
Pelzer, South Carolina 29669