

State of South Carolina
In the Court of Appeals

Appeal From the Administrative
Law Court

Administrative Law Judge
S. Phillip Henski

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NOV 14 2024

SC Court of Appeals

Appellate Case No.
2024 - 000130

Nicholas Boan
302151,

Appellant

v.

South Carolina Department
of Corrections,

Respondent

Final Brief

Nicholas Boan 302151
B.R.C.F. Marion 146
4460 Broad River Rd.
Columbia, S.C. 29210

Table of Authorities

- 1.) Order from Judge Nov 10, 2022
- 2.) Order from Judge May 26, 2023
- 3.) Appeal from Administrative Court
- 4.) Final order Jan 23, 2024
Dec 9, 2023
- 5.) Contract from S.C. D.C and
company
- 6.) Complaint on May 6, 2023
- 7.) Summons on May 6, 2023
- 8.) Statute 24-3-430 (D)
- 9.) Statute 24-3-410
- 10.) Jennence v. S.C. D.C.

South Carolina Court of
Appeals

Nicholas Boan
302151

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NOV 14 2024
Appellant
SC Court of Appeals

v.

South Carolina Department
of Corrections Respondent

Final Brief of Appellant

Nov. 11, 2024

- 1.) Now comes the Appellant, Nicholas Boan, 302151, asking this Court to review the record on Appeal from the order from the Law Court.
- 2.) The Appellant ask this Court to review the Law and Statues

24-3-430(D), no inmate participating
in the program may earn less than
prevailing wages for work of a
similar nature in the private sector.

This statute is what governing my
case. S.C.D.C. claims I worked for
a [PIE], but under their contract
with that company U.S. Textile
Section 3.3 (3) no goods produced under
this agreement shall be placed in Commerce
in violation of law and statute, yet
everything we packaged was sold in
Commerce all over the world. We
packaged for different countries, and states.
Also the judge applied a statute
that should not override other statutes
and law.

3.) Also I ask this Court to review
Jorrence v. S.C.D.C., which this
Court stated that the South Carolina
Supreme Court has already stated
that the program at issue operated
under Section 24-3-430, and Section

24-3-410 provides:

(A) It is unlawful to sell or offer for sale on the open market... articles or products manufactured or produced wholly or in parts by inmates...

(B) The provisions of this section do not apply to... products... produced by inmates of the department... employed in [PI 2], or [PIA] if the inmate worker participates voluntarily, receive comparable wages, and the work does not displace employed workers. If this court reviewed the S.C.D.C. Policy in 2005, if an inmate refusing a job, he can be charged a disciplinary for refusing to work. Also if this court reviews the Contract with this Company nothing was suppose to be in Commerce, but we packaged for several countries to be sold in.
So therefore the Contract was

broken buy selling on the open market, and also I was assigned this job buy the prison, where if I had refused I would be written up, so this was not voluntarily, and a violation of Section 24-3-410.

4) Therefore under the law and statutes I ask this court to review the Contract that also wasn't signed off on until after a year of me working under this company, so I should be paid in full because the contract didn't get signed until a year after I worked. I ask this court to award full wages, back pay, overtime, room and board, and full interest for all these years withheld.

cc: South Carolina
Department of Corrections
File
South Carolina Court of
Appeals (4)

Respectfully,
Robert Boan