

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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DEC 02 2024
SC Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT
ADMINISTRATIVE LAW JUDGE, ROBERT L. REIBOLD

ALC Case No.23-ALJ-04-0462-AP
Appellate Case No.2024-001418

ALONZO HAWES, #344461,

APPELLANT,

V.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

RESPONDENT.

RESPONSE TO MOTION TO DISMISS
APPEAL AS MOOT

Appellant contends that the Respondant's motion to dismiss the appeal as moot should be denied, as the Department has already issued a final appealable decision on the issue. In his claim, Appellant alleged that the Department has failed to pay him a prevailing wage for his employment in the prison industries program. The Department denied and dismissed the claim stating that the claim was untimely under SCDC Policy ADM-15.13, section 12.1. Appellant appealed the matter to the Administrative Law Court, which agreed with the Department and dismissed the appeal, finding that it lacked subject matter jurisdiction to hear the appeal due to Appellant's failure to exhaust his administrative remedies.

Clearly, the Department has already issued a final and appealable decision concerning the prevailing wage claim. Therefore, its allegation that the offer and denial of a

settlement offer constitutes a final agency decision that must be relitigated in the Administrative Law Court is erred. The Department is simply seeking to delay or prevent this court from making a ruling in this matter, so as to overbourn Appellant's will and force him to accept a settlement offer for pennies on the dollar.

Appellant contends that to allow the Department to use the court in this manner is a perversion of justice, and a denial of equal protection and due process of law under Article 1§3 of the South Carolina Constitution, as well as the 14th Amendment of the U.S. Constitution.

It is for the above mentioned reasons that the Respondant's motion should be dismissed and the appeal allowed to go forward.

This 26 day of November, 2024,

BY: Alonzo C. Hawes
PRO SE
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UNA, S.C. 29378

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ROBERT L. REIBOLD, ADMINISTRATIVE LAW JUDGE

APPELLATE CASE No. 2024-001418

ALONZO HAWES, #344461, APPELLANT,

v.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS, RESPONDENT.

PROOF OF SERVICE

I certify that I have served the "RESPONSE TO MOTION TO DISMISS APPEAL AS MOOT" on Cheron Hess, by depositing a copy of the same in the United States mail, postage prepaid, on November 26, 2024, addressed to her office, South Carolina Department of Corrections, 4444 Broadriver Road, Columbia, South Carolina 29221.

This 26 day of November, 2024,

BY: Alonzo C. Hawes
PRO SE
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UNA, S.C. 29378

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TO:CLERK OF COURT
HON.JENNY ABBOTT KITCHINGS
FROM:ALONZO HAWES
344461

November 26, 2024

Please find enclosed one "RESPONSE TO MOTION TO DISMISS APPEAL AS MOOT" to be filed in your office.

Sincerely

Alonzo C. Hawes

cc: Cheron Hess

Alonzo Craig Hawes #344461

Livesay C.I.

4-20-B

Post Office Box 580

Una, South Carolina 29378



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SC Court of Appeals

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

SCDC

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MAIL ROOM

