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**Dec 12 2024**

**SC Court of Appeals**

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-04-0526-AP  
Appellate Case No. 2024-001076

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BOBBY GIBSON, JR., # 171440,

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 the entire period of time that he worked in Prison Industries. The ALC's Order dismissed Appellant's claim (except as to the two previous pay periods) as untimely without addressing the merits of the claim. On October 28, 2024, this Court granted Respondent's motion to hold the case in abeyance pending settlement negotiations. To date, settlement negotiations have not been successful. Accordingly, on December 4, 2024, Appellant was served with a Final Agency Decision (see attached redacted Final Agency Decision packet) which set forth the Department's backpay wage calculations for

all of Appellant's work in Prison Industries at the prevailing wage rate and noted that Appellant had twice rejected an offer for the full net amount. The Final Agency Decision also provided that that if Appellant wished to dispute the Department's calculations or the time period of the calculations, he could file a new Notice of Appeal to the Administrative Law Court.

Accordingly, since the instant matter regarding Appellant's inmate pay is now moot, and Appellant now has a proper mechanism to challenge the Department's wage calculations, 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**

December 12, 2024

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

**FINAL AGENCY DECISION**

**TO:** Bobby Gibson, Jr., # 171440  
**INSTITUTION:** Livesay - N6-0024  
**FROM:** Office of General Counsel  
**DATE:** November 25, 2024  
**RE:** Prison Industries Inmate Pay

Dear Mr. Gibson:

SCDC has calculated your pay at the prevailing wage rate for your Prison Industries job codes from August 2016 through July 2023. Any labor performed at any other time was not subject to the prevailing wage statute. Also, please note that the inmate pay statute, S.C. Code 24-3-430(D), was amended effective May 21, 2024, and it eliminated the language requiring that inmates be paid the prevailing wage going forward. That is why there are no calculations beyond that date. Our calculations resulted in the following:

**Gross total:** \$ [REDACTED]

**Deductions:**

20% Victim Restitution: \$ [REDACTED]

25% Room and Board: \$ [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 and a chart showing the prevailing wage for your job codes. However, it is our understanding that you disagree with SCDC's calculations and have rejected the offers sent to you in August 2024 and in October 2024.

We believe our calculations are correct. However, in order to provide you with the opportunity to challenge the calculations or time period involved, we are issuing this **FINAL AGENCY DECISION** in the matter of your inmate pay for all work in Prison Industries. Again, 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 11/25/24."

serviced him A/W Smith Date: 12-4-2024  
Bobby Gibson, Jr., # 171440

I have received the Final Agency Decision issued by the Office of General Counsel. My signature on this document does NOT mean that I agree with the Final Agency Decision.

171440 Gibson JR., Bobby

SOC Code	Pay Period	Hours Worked	Overtime	Hourly rate	Federal Minimum Wage	Prevailing Wage	Difference
51-9199	05/01/2023-07/01/2023	265.5		\$7.50	\$7.25	\$19.12	\$3,085.11
51-9199	OVERTIME		1.5	\$11.25	\$10.88	\$28.68	\$26.15
51-9199	05/01/2022-04/30/2023	1774.5		\$7.50	\$7.25	\$17.19	\$17,194.91
51-9199	OVERTIME		113.75	\$11.25	\$10.88	\$25.79	\$1,653.36
51-9199	05/01/2021-04/30/2022	1461.5		\$7.50	\$7.25	\$16.70	\$13,445.80
51-9199	OVERTIME		64.75	\$11.25	\$10.88	\$25.05	\$893.55
51-9199	05/01/2020-04/30/2021	1321.5		\$7.50	\$7.25	\$18.43	\$14,444.00
51-9199	OVERTIME		71	\$11.25	\$10.88	\$27.65	\$1,164.05
51-9199	09/02/2019-04/30/2020	1122.75		\$7.50	\$7.25	\$16.79	\$10,430.35
51-9199	OVERTIME		43	\$11.25	\$10.88	\$25.19	\$599.21
51-7099	12/17/2016-04/30/2017	522.25		\$7.30	\$7.25	\$14.48	\$3,749.76
51-7099	OVERTIME		5.5	\$10.95	\$10.88	\$21.72	\$59.24
51-7099	08/02/2016-12/16/2016	570		\$7.25	\$7.25	\$14.48	\$4,121.10
51-7099	OVERTIME		0	\$10.88	\$10.88	\$21.72	\$0.00
	TOTAL	7038	299.5				
	Amount Due						

**DEDUCTIONS**  
 20% Victim Restitution  
 25% R & B  
 10% LT Savings  
 Total Deductions  
**NET TOTAL**



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)):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Appellant's Name \_\_\_\_\_  
Mailing Address \_\_\_\_\_  
City, State, Zip Code \_\_\_\_\_

Signed \_\_\_\_\_  
Dated \_\_\_\_\_

**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.**

**RECEIVED**

**Dec 12 2024**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
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BOBBY GIBSON, JR., # 171440,

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SOUTH CAROLINA DEPARTMENT OF CORRECTIONS,

RESPONDENT.

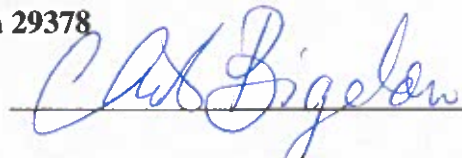
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**CERTIFICATE OF SERVICE**

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

**Bobby Gibson, Jr., # 171440**  
**Livesay Correctional Institution**  
**N6-0024**  
**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

December 12, 2024



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

HENRY McMASTER, Governor  
BRYAN P. STIRLING, Director

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**Dec 12 2024**  
**SC Court of Appeals**

December 12, 2024

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

**RE: Bobby Gibson, # 171440 v. South Carolina Department of Corrections**  
**Appellate Case No. 2024-001076**

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.

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: Bobby Gibson, # 171440  
Livesay Correctional Institution  
N6-0024  
Post Office Box 580  
Una, South Carolina 29378