

THE STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

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SC Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Judge Ralph King Anderson III

ALC Case No.: 23-ALJ-04-0715-AP

Appellate Case No.: 2024-001561

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TABLE OF AUTHORITIES

Cases:

Ackerman v. South Carolina Department of Corrections 415 S.C. 412
Torrence v. South Carolina Department of Corrections 433 S.C. 224

Citation of Statutes:

S.C. Code of Laws 24-3-430
18 ~~US~~SCA 1761

Citation of Other Authorities:

WL-31728841

STATEMENT OF ISSUES ON APPEAL

Did the Administrative Court err in using South Carolina Department of Corrections policy OP 15.13 limitation of fifteen days to file on "inmate pay"?

Did Judge Ralph King Anderson III abuse his discretion in ruling contrary to previous decisions on his ALC cases that have overruled Judge Anderson's use of the (15) fifteen day limit?

STATEMENT OF THE CASE

On Appeal to the Administrative Law Court regarding inmate being underpaid on the grounds of "Prevailing Wage", the ALC Judge dismissed Appellant's case due to the (15) day limit on pay errors in contradiction to previous cases.

FACTS

Inmate Mark Dorsey #302988 filed Step One and Step Two Grievances with the South Carolina Department of Corrections (SCDC) asking for proper hourly compensation for his work in the Prison Industries Program at Tyger River Correctional Institution. These grievances were denied and inmate appealed under Torrence v. South Carolina Department of Corrections. The Administrative Law Court dismissed inmate's appeal based on the (15) fifteen day limit. This was in contradiction to previous ruling against this same Judge by the South Carolina Court of Appeals (See Ackerman v. South Carolina Dept. of Corrections) 415 S.C. 412 Appellate Case No.: 2012-210588.

ARGUMENT

Appellant worked for the SCDC Prison Industries Program and was not paid the proper prevailing wage. After asking SCDC staff for proper payment, the inmate filed grievances and appealed to the Administrative Law Court.

The matter could have been settled, but Judge Ralph King Anderson III ruled contrary to higher court rulings and denied Appellant's efforts. This was an abuse of discretion, arbitrary and capricious.

Appellant will not take a great deal of the Court's time and efforts since it is obvious this very Court has overruled this Judge on the same issue in the past.

To pursue judicial economy, the Appellant asks the Court to consult the following:

- 1) WL 31728841
- 2) 415 S.C. 412 Ackerman v. SCDC
- 3) 433 S.C. 224 Torrence v. SCDC
- 4) 24-3-430 S.C. Code of Laws
- 5) 18 USCA 1761 U.S. Code

CONCLUSION

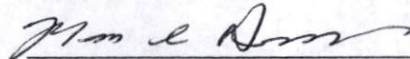
This Court has previously reviewed identical cases and ruled against the ALC Judge named herein.

Appellant wishes only to be paid the wages due him by SCDC.

The South Carolina Department of Corrections should act in a proper and honorable manner and concede this action.

Wherefore, Appellant prays the Court to reverse and remand this case.

Respectfully Submitted,



Mark Dorsey #302988

TYRCI Unit 7-223

200 Prison Road

Enoree, SC 29335

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CERTIFICATE OF SERVICE

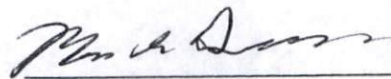
I, Mark Dorsey, this date serve the INITIAL BRIEF OF APPELLANT, by placing a copy of the same in the United States Mail, postage paid and address addressed as follows:

South Carolina Court of Appeals
Jenny Abbott Kitchings, Clerk
Post Office Box 11629
Columbia, SC 29211

S.C. Administrative Law Court
Judge Ralph King Anderson III
1205 Pendleton St. Suite 224
Columbia, S.C. 29201

Christina Catoe Bigelow, Esquire
Department of General Counsel
South Carolina Department of Corrections
P.O. Box 21787
Columbia, SC 29221

This 13th day of December, 2024.



Mark Dorsey #302988
TYRCI Unit 7-223
200 Prison Road
Enoree, SC 29335

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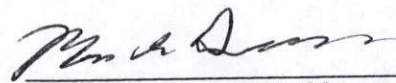
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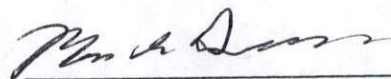
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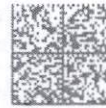
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P.O. Box 21787
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This 13th day of December, 2024.



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200 Prison Road
Enoree, SC 29335

MARK DORSEY #302988
FYRCI UNIT 7-223
200 PRISON ROAD
ENOREE, SC 29335



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