

# The South Carolina Court of Appeals

James Thomas Gentry, Jr., #261188, Appellant,

v.

South Carolina Department of Corrections, Respondent.

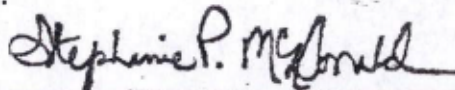
Appellate Case No. 2024-000669

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## ORDER

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The Administrative Law Court (ALC) dismissed Appellant's appeal for failure to exhaust his administrative remedies. According to the ALC, Respondent denied Appellant's Step 2 Grievance concerning whether he was paid a prevailing wage as untimely. On October 18, 2024, Respondent moved to dismiss this appeal as moot. According to Respondent, it sent a settlement offer to Appellant regarding this matter on October 15, 2024, and Appellant rejected the offer. Respondent then served Appellant with a "Final Agency Decision setting forth its wage calculations and providing him with the opportunity to appeal the time period and/or calculations . . . ." Respondent argues "the underlying issue in this appeal—Appellant's request to be paid the prevailing wage for his work in Prison Industries—is now moot because [Respondent] has issued an appealable Final Agency Decision regarding Appellant's prevailing wage pay." After careful consideration, we deny Respondent's motion to dismiss this appeal as moot without prejudice to Respondent arguing this point in its brief and Appellant may respond to any such argument in his reply brief.



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FOR THE COURT

Columbia, South Carolina

cc:

James Gentry, 261188

Christina Catoe Bigelow, Esquire

**FILED**  
**Jan 06 2025**

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