

The South Carolina Court of Appeals

Bobby Gibson, Jr., #171440, Appellant,

v.

South Carolina Department of Corrections, Respondent.

Appellate Case No. 2024-001076

ORDER

According to the order on appeal, Appellant challenged Respondent's failure to pay him a prevailing wage from July 2016 to March 2017 and September 2019 to June 2023. The Administrative Law Court (ALC) determined Appellant failed to seek redress timely as to the July 2016 to March 2017 time period. Regarding the time period of September 2019 to June 2023, the ALC determined Appellant was entitled to additional pay owed for the previous two pay periods prior to June 28, 2023. Thus, the ALC remanded the matter to Respondent to calculate and remit to Appellant the additional pay owed under the prevailing wage statute for two pay periods.

On December 12, 2024, Respondent moved to dismiss this appeal as moot. According to Respondent, it sent two settlement offers to Appellant regarding this matter, and Appellant rejected the offers. Respondent then served Appellant with a "Final Agency Decision . . . which set forth [Respondent]'s backpay wage calculations for all of Appellant's work in Prison Industries at the prevailing wage rate" and provided him with the opportunity to appeal Respondent's calculations or the time period of the calculations. Respondent argues the "instant matter regarding Appellant's inmate pay is now moot, and Appellant now has a proper mechanism to challenge [Respondent]'s wage calculations." Appellant filed a return, opposing dismissal.

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

responding to the argument in his reply brief.



FOR THE COURT

Columbia, South Carolina

cc:

Bobby Gibson, Jr., 171440

Christina Catoe Bigelow, Esquire

FILED
Jan 14 2025
