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Jan 14 2025

SC Court of Appeals

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Administrative Law Judge Robert L. Reibold

ALC Case No. 23-ALJ-04-0835-AP
Appellate Case No. 2024-000665

THOMAS THOMPSON, # 80681,

APPELLANT,

v.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS,

RESPONDENT.

REPLY TO APPELLANT'S RESPONSE

Respondent filed a Motion to Dismiss this appeal on December 19, 2024. Appellant submitted a response dated January 9, 2025. In this response, Appellant contends that SCDC's wage calculations contain an error and that he would be willing to settle if the error is corrected. He argues that the matter is therefore not moot. Respondent submits that Appellant is mistaken in this regard.

The basis for Respondent's Motion to Dismiss was that this Court remanded the matter to the ALC to remand back to the Department for a supplemental Step 2 response. The supplemental Step 2 response was served on December 19, 2024. The Step 2 response addressed

the substantive issue of Appellant's wage calculations – a matter that was not addressed in the ALC in the case ruled upon by Judge Reibold in this matter. Judge Reibold dismissed Appellant's appeal below for failure to exhaust his administrative remedies. He did not make any ruling on the merits and therefore did not address the issue of wage calculations. Therefore, the substantive issue of Appellant's wage calculations was not before Judge Reibold in the case below, so that issue could not properly be addressed by this Court in this appeal. See SCACR, Rule 210 (c) and (h). The proper mechanism for Appellant to address the substantive issue of his wage calculations is to appeal from the corrected Step 2 response and have the ALC address the matter in the first instance.

As stated in Respondent's Motion to Dismiss, since the current appeal from Judge Reibold's order is now moot due to the issuance of the supplemental Step 2 response, and Appellant now has a proper mechanism to challenge the Department's wage calculations, Respondent again 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

January 14, 2025

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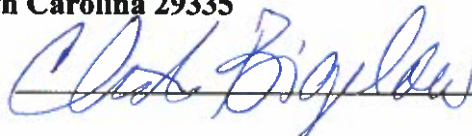
SOUTH CAROLINA DEPARTMENT OF CORRECTIONS,

RESPONDENT.

CERTIFICATE OF SERVICE

Undersigned counsel hereby certifies that on this date, she mailed a copy of the Respondent's **Reply to Appellant's Response** to Appellant, addressed as follows:

**Thomas Thompson, # 80681
Tyger River Correctional Institution
10A-0103
200 Prison Road
Enoree, South Carolina 29335**



Christina Catoe Bigelow
Deputy General Counsel
S. C. Department of Corrections
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January 14, 2025



SOUTH CAROLINA
DEPARTMENT OF CORRECTIONS
Division of Legal Counsel & Compliance

HENRY McMASTER, Governor
BRYAN P. STIRLING, Director

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SC Court of Appeals

January 14, 2024

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

RE: Thomas Thompson, # 80681 v. South Carolina Department of Corrections
Appellate Case No. 2024-000665

Dear Ms. Kitchings:

Enclosed please find Respondent's **Reply to Appellant's Response** 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: Thomas Thompson, # 80681
Tyger River Correctional Institution
10A-0103
200 Prison Road
Enoree, South Carolina 29335