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**Jan 17 2025**

**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 Crystal M. Rookard

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ALC Case No. 23-ALJ-04-0672-AP  
Appellate Case No. 2024-001910

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STEVEN HARVEY, # 240138,

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 time that he worked in Prison Industries. The ALC's Order dismissed Appellant's claim for failure to exhaust his administrative remedies without addressing the merits of the claim. In late December 2024, Appellant was presented with a settlement offer for full net authority to resolve this matter, but Appellant declined. Therefore, on January 15, 2025, Appellant was served with a Final Agency Decision (see attached redacted Final Agency Decision packet – 5 pages) 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 rejected the Department's 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. Importantly, Appellant cannot challenge the issue of his wage calculations in this appeal because those calculations were not before the lower court. See SCACR, Rule 210 (c) and (h). Again, the lower court dismissed the matter for failure to exhaust administrative remedies and did not reach the merits of the claim for backpay.

Accordingly, since the instant matter is now moot since 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**

January 17, 2025

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

**FINAL AGENCY DECISION**

TO: Steven Harvey, # 240138  
INSTITUTION: Livesay – N6-0040  
FROM: Office of General Counsel  
DATE: January 15, 2025  
RE: Prison Industries Inmate Pay

Dear Mr. Harvey:

SCDC has calculated your pay at the prevailing wage rate for your Prison Industries job code(s) from May 2007 through January 2023. Any labor performed at any other time was not subject to the prevailing wage statute. Our calculations resulted in the following:

Gross total: \$ [REDACTED]  
Deductions that would apply if paid as backpay:  
    20% Victim Restitution: \$ [REDACTED]  
    35% Child Support: \$ [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 hours and calculations and a chart showing the prevailing wage for your job code(s). However, it is our understanding that you disagree with SCDC's calculations and have rejected the offer(s) sent to you for the full net total.

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 1/15/2025."

**This Final Agency Decision Packet (5 pages) was served on Inmate Steven Harvey, # 240138, on**

1-15-25 (date) by Jimmy Smith (name of person  
serving the documents).





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)):

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

Appellant's Name

Signed

Mailing Address

Dated

City, State, Zip Code

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  
1305 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.**

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STEVEN HARVEY, # 240138,

APPELLANT,

v.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS,

RESPONDENT.

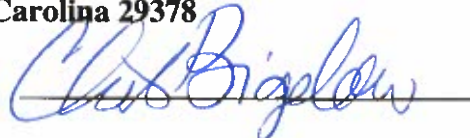
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**CERTIFICATE OF SERVICE**

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

**Steven Harvey, # 240138**  
**Livesay Correctional Institution**  
**N6-0040**  
**Post Office Box 580**  
**Una, South Carolina 29378**



**Christina Catoe Bigelow**  
S. C. Department of Corrections  
Post Office Box 21787  
Columbia, S. C. 29221  
(803) 896-8508

January 17, 2025



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

HENRY McMASTER, Governor  
BRYAN P. STIRLING, Director

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**Jan 17 2025**

**SC Court of Appeals**

January 17, 2025

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


**RE: Steven Harvey, # 240138 v. South Carolina Department of Corrections**  
**Appellate Case No. 2024-001910**

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: Steven Harvey, # 240138  
Livesay Correctional Institution  
N6-0040  
Post Office Box 580  
Una, South Carolina 29378