

State of South Carolina  
In the Court of Appeals

Appeal From the Administrative  
Law Court

Administrative Law Judge  
S. Phillip Henski

**RECEIVED**

JAN 31 2025  
SC Court of Appeals

Appellate Case No.  
2024 - 000130

Nicholas Bean  
302151,

Appellant

v.

South Carolina Department  
of Corrections,

Respondent

Final Brief

Nicholas Bean 302151  
B.R.C.I. Marion 146  
4460 Broad River Rd.  
Columbia, SC. 29210

# Table of Authorities

- 1.) Order from Judge Nov 10, 2022
- 2.) Order from Judge May 26, 2023
- 3.) Appeal from Administrative Court
- 4.) Final order Jan 23, 2024  
Dec 9, 2023
- 5.) Contract from S.C. D.C and  
company
- 6.) Complaint on May 6, 2023
- 7.) Summons on May 6, 2023
- 8.) Statute 24-3-430 (D)
- 9.) Statute 24-3-410
- 10.) Jennence v. S.C. D.C.

## Statement of the Case

This matter comes before the Court pursuant to appeal of Nicholas Boan (Appellant). I am an inmate in the South Carolina Department of Corrections (S.C.D.C.). I filed a Step 1 grievance No. 3, 2008, seeking to be paid pursuant to the prevailing wage statute. The grievance was denied. I filed a Step 2, which took over 8 years to receive back, violating the own procedures. I then filed a Notice of Appeal in April 14, 2016. In Dec. 4, 2023 the Administrative Law Court dismissed my appeal. I now ask this court to review all relevant laws, and statutes related to this case, and others, and rule in my favor, because S.C. D.C. violated laws, procedures, and statutes, and these contract as well.

South Carolina Court  
of Appeals

Nicholas Boan,  
302151

Appellant

v.

South Carolina Department  
of Corrections

Respondent

Final Brief of  
Appellant

Appellant Case No.:  
2024-000130

Jan. 30 2025

- 1) Now comes the Appellant Nicholas Boan, 302151, asking this Court to review the record on Appeal from the order from the Administrative Law Court.
- 2) The Appellant asks this Court to review the law and Statutes

24-3-430(D), no inmate participating  
in the program may earn less than  
prevailing wages for work of a  
similar nature in the private sector.

This statute is what governing my  
case. S.C.D.C. claims I worked for  
a [PIE], but under their contract  
with that company U.S. Textile  
Section 3.3 (3) no goods produced under  
this agreement shall be placed in Commerce  
in violation of law and statute, yet  
everything we packaged was sold in  
Commerce all over the world. We  
packaged for different countries, and states.  
Also the judge applied a statute  
that should not overrule other statutes  
and law.

3.) Also I ask this Court to review  
Jorrence v. S.C.D.C., which this  
Court stated that the South Carolina  
Supreme Court has already stated  
that the program at issue operated  
under Section 24-3-430, and Section

24-3-410 provides:

(A) It is unlawful to sell or offer for sale on the open market... articles or products manufactured or produced wholly or in parts by inmates...

(B) The provisions of this section do not apply to... products... produced by inmates of the department... employed in [PIE], or [PIA] if the inmate worker participates voluntarily, receive comparable wages, and the work does not displace employed workers. If this court reviewed the S.C.D.C. Policy in 2005, if an inmate refusing a job, he can be charged a disciplinary for refusing to work. Also if this court reviews the Contract with this Company nothing was suppose to be in Commerce, but we packaged for several countries to be sold in.  
So therefore the Contract was

broken buy selling on the open market, and also I was assigned this job buy the prison, where if I had refused I would be written up, so this was not voluntarily, and a violation of Section 24-3-410.

4) Therefore under the law and statutes I ask this court to review the Contract that also wasn't signed off on until after a year of me working under this company, so I should be paid in full because the contract didn't get signed until a year after I worked. I ask this court to award full wages, back pay, overtime, room and board, and full interest for all these years withheld.

cc: South Carolina  
Department of Corrections  
File  
South Carolina Court of  
Appeals (14)

Respectfully,  
Robert Boan