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**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 Ralph King Anderson, III

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ALC Case No. 23-ALJ-04-0534-AP  
Appellate Case No. 2024-000669

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JAMES T. GENTRY, JR., # 261188

APPELLANT,

v.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS,

RESPONDENT.

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**INITIAL BRIEF OF RESPONDENT**

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**SOUTH CAROLINA DEPARTMENT  
OF CORRECTIONS**

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**STATEMENT OF ISSUE ON APPEAL**

**SINCE AN INTERVENING OCCURRENCE HAS RENDERED THE APPEAL MOOT SUCH THAT NO JUSTICIABLE CONTROVERSY REMAINS, THE APPEAL SHOULD BE DISMISSED.**

## **STATEMENT OF THE CASE**

This matter comes before this Court pursuant to the appeal of James Gentry (Appellant), an inmate confined in the South Carolina Department of Corrections (SCDC). In 2023, Appellant submitted grievances concerning his rate of pay for his work in Prison Industries. These grievances were denied, and Appellant appealed to the Administrative Law Court on November 7, 2023. On April 10, 2024, Administrative Law Judge Ralph King Anderson, III, issued an order dismissing the appeal due to Appellant's failure to exhaust administrative remedies. This appeal followed.

After unsuccessfully attempting to settle this matter outside of the court system with Appellant, Respondent issued a Final Agency Decision regarding the issue of Appellant's inmate pay and Appellant was served with the Final Agency Decision on October 17, 2024. Thereafter, Respondent submitted a Motion to Dismiss Appeal as Moot. This Motion was denied on January 6, 2025, without prejudice to Respondent arguing mootness in its Brief. This Brief follows.

## STANDARD OF REVIEW

S.C. Code Ann. § 1-23-610(B) provides the general standard of review for appeals from the Administrative Law Court:

The review of the administrative law judge's order must be confined to the record. The reviewing tribunal may affirm the decision or remand the case for further proceedings; or it may reverse or modify the decision if the substantive rights of the petitioner have been prejudiced because the finding, conclusion, or decision is:

- (a) in violation of constitutional or statutory provisions;
- (b) in excess of the statutory authority of the agency;
- (c) made upon unlawful procedure;
- (d) affected by other error of law;
- (e) clearly erroneous in view of the reliable, probative and substantial evidence on the whole record; or
- (f) arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

In an appeal of a final decision of an administrative agency, the standard of appellate review is whether the ALC's findings are supported by substantial evidence. S.C. Code Ann. § 1-23-610(B). "Substantial evidence" is evidence which, considering the record as a whole, would allow a reasonable mind to reach the same conclusion that administrative agency reached. Hendley v. S.C. State Budget & Control Bd., 325 S.C. 413, 481 S.E.2d 159 (Ct. App. 1996). A reviewing court shall not substitute its own judgment for that of the ALC as to findings of fact, but it may reverse or modify decisions that are controlled by errors of law or that are clearly erroneous in view of the substantial evidence on the record as a whole. Id.

## ARGUMENT

**SINCE AN INTERVENING OCCURRENCE HAS RENDERED THE APPEAL MOOT SUCH THAT NO JUSTICIABLE CONTROVERSY REMAINS, THE APPEAL SHOULD BE DISMISSED.**

Appellant filed an appeal challenging an order of the Administrative Law Court (ALC) which dismissed his request to be paid the prevailing wage for his work in Prison Industries. The ALC dismissed the case on the ground that Appellant failed to exhaust his administrative remedies. (See ALC Order). Appellant submitted his Initial Brief in this matter in May of 2024. In that brief, he argued that the ALC erred in dismissing his appeal on exhaustion grounds and asserted that the matter should be remanded back to the Department to calculate his back wages at the prevailing wage rate. (See Initial Brief of Appellant, p. 5-9). After Appellant submitted his Initial Brief, this appeal was dismissed on June 21, 2024 because Appellant submitted an incorrect ALC order. (See Order of Dismissal dated June 21, 2024). However, after Appellant corrected this deficiency, the matter was reinstated as of September 16, 2024. (See Order dated September 16, 2024).

Thereafter, Respondent sent a settlement offer to Appellant regarding his inmate pay on October 15, 2024, but Appellant rejected the offer. (See Motion to Dismiss filed October 18, 2024). Consequently, on October 17, 2024, Appellant was served with the Department's Final Agency Decision setting forth its wage calculations and providing him with the opportunity to appeal the time period and/or calculations (See Motion to Dismiss filed October 18, 2024 and attachments). Essentially, Respondent provided Appellant with exactly what he asked for in his Initial Brief.

The issuance and service of an appealable Final Agency Decision regarding Appellant's wage calculations in this matter has rendered the appeal moot because no justiciable controversy remains as to arguments made in Appellant's Brief, which was filed prior to the issuance and service of the Final Agency Decision. A justiciable controversy exists "when there is a real and substantial

controversy which is appropriate for judicial determination, as distinguished from a dispute that is contingent, hypothetical, or abstract.” Sloan v. Friends of Hunley, Inc., 369 S.C. 20, 25, 630 S.E.2d 474, 477 (2006) (citation omitted). “A moot case exists where a judgment rendered by the court will have no practical legal effect upon an existing controversy because an intervening event renders any grant of effectual relief impossible for the reviewing court.” Mathis v. South Carolina State Highway Dep’t, 260 S.C. 344, 346, 195 S.E.2d 713, 715 (1973). “If there is no actual controversy, this Court will not decide moot or academic questions.” Id.

Significantly, Judge Anderson dismissed Appellant’s appeal below for failure to exhaust his administrative remedies. (See ALC Order dated April 10, 2024). He did not make any ruling on the merits and therefore did not address the issue of wage calculations. Wage calculations had not been performed at that time and therefore wage calculations were not before the ALC in any fashion. Therefore, the substantive issue of Appellant’s wage calculations cannot be addressed by this Court in this appeal since it was not addressed by the lower court. See SCACR, Rule 210 (c) and (h).

Again, the issuance and service of an appealable Final Agency Decision regarding Appellant’s wage calculations in this matter has rendered the appeal moot because no justiciable controversy remains as to the rulings made by the Administrative Law Judge or the arguments made in Appellant’s Brief. Accordingly, Respondent respectfully requests that this Court dismiss the matter as moot.

**CONCLUSION**

For the foregoing reasons, this Court should dismiss the appeal as moot.

Respectfully submitted,

**SOUTH CAROLINA DEPARTMENT  
OF CORRECTIONS**

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