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SC Court of Appeals

STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT

Robert Osbey, #299910, )  
 )  
 Appellant, )  
 )  
 v. )  
 )  
 South Carolina Department of Corrections, )  
 )  
 Respondent. )  
 )

Docket No. 23-ALJ-04-0645-AP

**ORDER OF DISMISSAL**

This matter is before the South Carolina Administrative Law Court (Court or ALC) pursuant to an appeal filed by Robery Osbey (Appellant), an inmate incarcerated with the South Carolina Department of Corrections (Department or SCDC). Appellant filed this appeal disputing his pay under the prevailing wage statute (S.C. Code Ann. § 24-3-430(D)). The case was assigned on October 10, 2024. The Department filed a Motion to Dismiss (Motion) on December 19, 2024, in which it asserts this appeal should be dismissed because Appellant and the Department entered a settlement agreement on June 14, 2024, and the Department has paid Appellant.

After the partes entered into the settlement agreement, Appellant filed a Step 2 Grievance<sup>1</sup> on September 4, 2024, contesting certain deductions from the settlement with the Department and arguing the contract should be voided under breach of contract. The Department denied the grievance and explained “SCDC records indicate that you settled your case on June 14, 2024. Your funds were deposited on July 1, 2024. The release indicates settlements are for all PI wage claims. Therefore, you are not due any additional money.” Appellant then filed an appeal with this Court.

While the Department did not identify its grounds for dismissal other than stating the parties had entered into a settlement agreement on June 14, 2024, the Court does not have jurisdiction over Appellant’s claims. The Court’s jurisdiction to hear this matter is derived from

<sup>1</sup> Appellant failed to attach his Step 1 Grievance to his appeal and the Department did not provide a copy of it.



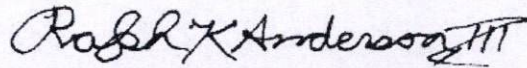
the decision of the South Carolina Supreme Court in *Al-Shabazz v. State*, 338 S.C. 354, 527 S.E.2d 742 (2000). In *Al-Shabazz*, the Court held that the ALC's jurisdiction in inmate appeals is limited to state-created liberty interests typically involving: (1) cases in which an inmate contends that prison officials have erroneously calculated his sentence, sentence-related credits, or custody status; and (2) cases in which an inmate has received punishment in a major disciplinary hearing as a result of a serious rule violation. *Id.* at 382; 527 S.E.2d at 757. In *Slezak v. South Carolina Department of Corrections*, 361 S.C. 327, 331, 605 S.E.2d 506, 508 (2004), our Supreme Court explained that while the ALC has jurisdiction over properly filed inmate grievance appeals, summary dismissal is appropriate "where the inmate's grievance does not implicate a state-created liberty or property interest." *See also Skipper v. S.C. Dep't of Corr.*, 370 S.C. 267, 633 S.E.2d 910 (Ct. App. 2006) (finding dismissal of inmate's appeal appropriate because his grievance did not implicate a state-created liberty interest).

For the purpose of establishing jurisdiction, a state-created liberty or property interest generally exists when (1) an inmate is disciplined and punishment is imposed or (2) when an inmate alleges prison officials have erroneously calculated his sentence, sentence-related credits, or custody status. *Sullivan*, 355 S.C. at 441, 586 S.E.2d at 126. Additionally, under certain circumstances, an inmate may have a state-created liberty interest in "freedom from restraint which, while not exceeding the sentence in such an unexpected manner as to give rise to protection by the Due Process Clause of its own force . . . nonetheless imposes atypical and significant hardship on the inmate in relation to the ordinary incidents of prison life." *Sandin v. Conner*, 515 U.S. 472, 483-84 (1995); *see Sullivan*, 355 S.C. at 443, 586 S.E.2d at 127 (applying *Sandin* to resolve a "condition of confinement claim").

Appellant's appeal is based on a contract dispute between him and the Department. In South Carolina, the circuit courts have jurisdiction over contract disputes. S.C. Code Ann. § 15-77-50 (2005) (circuit courts vested with jurisdiction to hear and determine all questions, actions and controversies affecting agencies of this State, and officials of the State in their official capacities). Because this claim does not allege a deprivation of a state-created liberty or property interest in this matter, the Court finds that summary dismissal is appropriate in this case. *See Slezak*, 361 S.C. at 331, 605 S.E.2d at 508; *see also Skipper*, 370 S.C. at 267, 633 S.E.2d at 910.

**IT IS THEREFORE ORDERED** that the Department's Motion to Dismiss is **GRANTED** and this appeal be **DISMISSED WITH PREJUDICE**.

**AND IT IS SO ORDERED.**



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Ralph King Anderson, III  
Chief Administrative Law Judge

January 8, 2025  
Columbia, South Carolina

STATE OF SOUTH CAROLINA  
Administrative Law Court  
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