

STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM THE ADMINISTRATIVE LAW COURT

Administrative Law Judge Robert L. Reibold

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

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THOMAS THOMPSON, # 80681

APPELLANT,

v.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS,

RESPONDENT.

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**MOTION TO DISMISS THIS APPEAL DUE TO A PENDING ADMINISTRATIVE  
LAW COURT CASE INVOLVING APPELLANT'S WAGE CALCULATIONS**

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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 on failure to exhaust grounds without addressing the merits of the claim. On October 28, 2024, this Court issued an Order remanding the matter to the ALC with instructions to further remand the matter to the Department of Corrections for issuance of a supplemental Step Two Grievance response. On December 13, 2024, the ALC issued an Order remanding the matter back to the Department. On December 19, 2024, Appellant was served with the supplemental Step Two Grievance response. The Step Two response explained that the Department had performed wage calculations for Appellant's work in Prison Industries at the prevailing wage rate and noted that Appellant had rejected all settlement

offers. The Step Two response 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 with the ALC. On January 6, 2025, Appellant filed a Notice of Appeal in the ALC challenging his wage calculations, and the matter is currently assigned to Judge Ralph King Anderson, III and is pending under case number 2025-ALJ-04-0038-AP (see attached Notice of Appeal and attached email from the ALC). If Appellant is unsatisfied with the outcome of his case in that matter, he can file an appeal to the Court of Appeals.

The issue of wage calculations cannot be addressed in this appeal because wage calculations were not before the Administrative Law Court. Judge Reibold dismissed Appellant's appeal below for failure to exhaust his administrative remedies. (See ALC Order dated March 12, 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).

The order of Judge Robert L. Reibold dismissing Appellant's ALC case for failure to exhaust is now moot since the substantive issue of Appellant's wage calculations is being litigated in the Administrative Law Court before Judge Ralph King Anderson, III, under case number 2025-ALJ-04-0038-AP. Accordingly, 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**

February 20, 2025

STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT

Thomas Thompson 80681 )

Appellant, )

DOCKET NO: 23-ALJ-04-0835-AP

vs. )

**RECEIVED**

GRACE NO: Tyrci-0231-23

South Carolina Department of Corrections. )

JAN 13 2025

Appellate Case No. 2024-000665

NOTICE OF APPEAL

Respondent. )

GENERAL COUNSEL;

Notice is hereby given that Thomas Thompson 80681 appeals the final decision of the South Carolina Department of Corrections dated 12-19-24 and received on 12-19-24, a copy of which is attached. In accordance with Rule 59(B) of the Rules of Procedure for the South Carolina Administrative Law Court (SCALC Rules) please provide a brief factual basis for each expressly and specifically asserted constitutional violation:

My SOC code changed from 51-7042 to 49-9071 on 12-16-21 but the SCDC continued to pay wages under the 51-7042 code. This is an error of \$10,040.00. The SCDC is not depositing the long term savings into inmate accounts but is showing it as a deduction from the gross total. I have incurred \$300.00 in costs in the SC Court of Appeals.

Thomas Thompson 80681

Appellant's Name Tyrci 10-103

[Signature]  
Signed

200 Prison Road

Mailing Address

1-6-25  
Dated

ENOREE, S.C. 29335

City, State, Zip Code

CERTIFICATE OF SERVICE

I hereby certify that I, Thomas Thompson (your name), on the 6 day of January, 2025, in Spawtonburg (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, and addressed as follows:

Name of person/Agency served: General Counsel, SCDC

Address: 4444 Beard River Road, Post Office Box 21787

City, State, Zip Code: Columbia, S.C. 29221

Thomas Thompson

Print your name

(See reverse side for instructions)

[Signature]  
Sign your name

**Christina Bigelow** [REDACTED]

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**From:** Stephanie Perez [REDACTED]  
**Sent:** Thursday, February 20, 2025 9:45 AM  
**To:** Christina Bigelow [REDACTED]  
**Subject:** RE: Thomas Thompson v. SCDC 25-ALJ-04-0038-AP

\*\*\* This is an EXTERNAL email. Please do not click on a link or open any attachments unless you're confident it is from a trusted source. \*\*\*

Good morning,

Yes, case # 25C0038 is proceeding forward. Because I cannot copy Mr. Thompson on this email chain, I will print this out and mail it to him.

Sincerely,  
Stephanie Perez  
Law Clerk to Judge Ralph King Anderson, III  
S.C. Administrative Law Court  
803 [REDACTED]

**From:** Christina Bigelow [REDACTED] <Bigelow.Christina@doc.sc.gov>  
**Sent:** Thursday, February 20, 2025 9:42 AM  
**To:** Stephanie Perez [REDACTED]  
**Subject:** Thomas Thompson v. SCDC - 25-ALJ-04-0038-AP

Good morning.

I work with Ms. Hess at SCDC. I have a separate case with Thomas Thompson in another court. Would you be able to confirm for me that the ALC case of Thomas Thompson v. SCDC, 25-ALJ-04-0038-AP, is on the ALC docket and proceeding forward? My understanding is that the case was assigned to Judge Anderson on February 13, 2025.

Thanks in advance,

Christina Catoe Bigelow  
Deputy General Counsel  
Office of General Counsel  
S.C. Department of Corrections  
4444 Broad River Road  
Columbia, South Carolina 29210  
(803) [REDACTED]

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**Feb 20 2025**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
In The Court of Appeals

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Administrative Law Judge Robert L. Reibold

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THOMAS THOMPSON, # 80681

APPELLANT,

v.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS,

RESPONDENT.

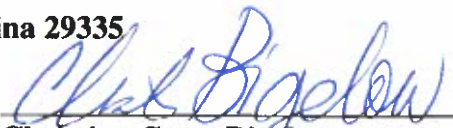
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**CERTIFICATE OF SERVICE**

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Undersigned counsel hereby certifies that on this date, she mailed a copy of the **Motion to Dismiss this Appeal Due to a Pending Administrative Law Court Case Involving Appellant's Wage Calculations** 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  
Post Office Box 21787  
Columbia, S. C. 29221  
(803) 896-8508

February 20, 2025



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

HENRY McMASTER, Governor  
BRYAN P. STIRLING, Director

**RECEIVED**

**Feb 20 2025**

**SC Court of Appeals**

**OFFICE OF GENERAL COUNSEL**

February 20, 2025

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 **Motion to Dismiss this Appeal Due to a Pending Administrative Law Court Case Involving Appellant's Wage Calculations**, along with **Proof of Service**.

Thank you for your attention to this matter, and please do not hesitate to contact me should you have any questions or concerns.

Sincerely,

Christina Catoe Bigelow  
Deputy General Counsel  
South Carolina Department of Corrections

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