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**Mar 12 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 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 January 17, 2025, Respondent filed a motion to dismiss the appeal based upon the fact that Appellant had been served with an appealable Final Agency Decision regarding his wage calculations on January 15, 2025. The motion to dismiss was denied on February 10, 2025.

Respondent has now learned that Appellant filed an appeal from the Final Agency Decision and the case is currently pending in the Administrative Law Court (see attachments). The case is proceeding under ALC case number 25-ALJ-04-0061-AP, and it was assigned to

Judge Ralph King Anderson, III, on February 27, 2025 (see attachments). The issue of Appellant's wage calculations can be fully litigated in this new appeal and if Appellant is unsatisfied with the outcome of his case in that matter, he can file a new appeal to the Court of Appeals.

Significantly, the issue of Appellant's wage calculations cannot be addressed in this appeal because wage calculations were not before the Administrative Law Court. Judge Rookard dismissed Appellant's appeal below for failure to exhaust his administrative remedies. (See ALC Order dated October 28, 2024). She did not make any ruling on the merits and therefore did not address the issue of wage calculations. 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 Crystal M. Rookard 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-04-0061-AP. Accordingly, Respondent again 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**

March 12, 2025

Below is information regarding your case which has been filed with the ALC. Please refer to the Rules of Procedure (enclosed) for the time frames on filing briefs and other matters.

Case Type	Case Number	Filing Date	Date Assigned	Judge Last	Case Title (Appellant v. Respondent)	Grievance No
DOC Appeal	25C0061	1/16/2025	2/27/2025	Anderson	Steven Harvey #240138 v. SC DOC	N/A



You must file all original documents and correspondence regarding this case directly with the above-named Judge and serve a copy on the Dept. of General Counsel, S.C. Dept. of Corrections, PO Box 21787, Columbia, SC 29221.



**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  
1205 Pendleton Street, Suite 214  
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.**

**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: \$██████████  
Deductions that would apply if paid as backpay:  
    20% Victim Restitution: \$██████████  
    35% Child Support: \$██████████  
    10% LT Savings: \$██████████  
Net total: \$██████████

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).

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APPEAL FROM THE ADMINISTRATIVE LAW COURT

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STEVEN HARVEY, # 240138,

APPELLANT,

v.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS,

RESPONDENT.

**CERTIFICATE OF SERVICE**

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:

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



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

March 12, 2025



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

HENRY McMASTER, Governor  
BRYAN P. STIRLING, Director

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**SC Court of Appeals**

**OFFICE OF GENERAL COUNSEL**

March 12, 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 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: Steven Harvey, # 240138  
Livesay Correctional Institution  
N6-0040  
Post Office Box 580  
Una, South Carolina 29378