

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS

C.A. NO.: 2023-CP-23-02526

Reginald Byrd

Plaintiff,

-vs-

South Carolina Department of
Corrections,

Defendant.

ORDER

RECEIVED

APR 07 2025

SC Court of Appeals

This matter came before me for a hearing on March 18, 2025 via WebEx, on the Defendant's Motion to Dismiss pursuant to Rule 12(b)(1) and Rule 12(b)(6) of the South Carolina Rules of Civil Procedure for the reason that this Court lacks subject matter jurisdiction.

The Plaintiff alleges that on or about January 24, 2019, he was working in the kitchen at Perry Correctional Institution as an inmate worker and that another inmate retrieved an industrial-type can opener and struck the Plaintiff in the head causing him injuries. The Complaint alleges negligence and gross-negligence as to the South Carolina Department of Corrections. The Defendants, in their Answer, deny any liability and set forth provisions of the Tort Claims Act as additional defenses. The Defendant, through counsel, has filed this Motion to Dismiss based on the ground that the South Carolina Worker's Compensation Act is the exclusive remedy available to the Plaintiff for this injury.

The Defendant's Motion to Dismiss references applicable statutory and case law. The Plaintiff filed a Response in Opposition.

I find that pursuant to S.C. Code Annotated §42-1-480, the Plaintiff is an inmate by definition with the South Carolina Department of Corrections and the claim that he alleges was a claim and/or injury that resulted from and during the performance of his work in the kitchen at Perry Correctional Institution.

Subject matter jurisdiction is the power of a court to hear and determine cases of the general class to which the proceedings in question belong. *Sabb v. S.C. State Univ.*, 350 S.C. 416, 422,

567 S.E.2d 231, 234 (2002). The procedure for raising lack of subject matter jurisdiction prior to trial is to file a motion to dismiss pursuant to Rule 12(b)(1), SCRPC. *Posey v. Proper Mold & Eng'g, Inc.*, 378 S.C. 210, 217, 661 S.E.2d 395, 399 (Ct. App. 2008). Any doubts as to a worker's status should be resolved in favor of including him or her under the Workers' Compensation Act. *Id.* It is the policy of South Carolina courts to resolve jurisdictional doubts in favor of the inclusion of employers and employees under the Workers' Compensation Act. *Id.*

Coverage for worker's compensation purposes depends on the employment relationship which is a jurisdictional question. See *Edens v. Bellini*, 597 S.E.2d 863 (Ct. App. 2004). Section 42-1-540 of the Worker's Compensation Act provides the exclusive remedy for the Plaintiff in this case. See *Posey v. Proper Mold and Engineering, Inc.*, 661 S.E.2d 395 (Ct. App. 2008).

In *Davis v. South Carolina Dept. of Corrections*, 345 S.E.2d 245 (1986), the Court held that a kitchen worker at an SCDC facility was entitled to worker's compensation including medical benefits. In doing so, the Court directed that the Worker's Compensation Act should be, "liberally construed" in favor of providing coverage within the Worker's Compensation Act.

I find that pursuant to the applicable case law, S.C. Code §42-1-540, and S.C. Code §42-1-480, this Court lacks subject matter jurisdiction of this case, that the Worker's Compensation Act is the sole and exclusive remedy for the Plaintiff's injury, and accordingly this matter should therefore be dismissed with prejudice.

It is therefore ordered, adjudged and decreed that the above caption matter be, and same is, dismissed with prejudice for lack of subject matter jurisdiction.

AND IT IS SO ORDERED.

E-signature of Judge Gravely to follow



Greenville Common Pleas

Case Caption: Reginald Byrd vs. Department Of Corrections South Carolina
Case Number: 2023CP2302526
Type: Order/Dismissal

So Ordered

Hon Perry H. Gravely, Chief Administrative
Judge-Civil

Electronically signed on 2025-03-24 23:05:04 page 3 of 3