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SC Court of Appeals

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Administrative Law Judge Ralph King Anderson, III

ALC Case No. 23-ALJ-04-0645-AP
Appellate Case No. 2025-000230

ROBERT OSBEY, # 299910,

APPELLANT,

v.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS,

RESPONDENT.

INITIAL BRIEF OF RESPONDENT

**SOUTH CAROLINA DEPARTMENT
OF CORRECTIONS**

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TABLE OF CONTENTS

TABLE OF AUTHORITIESii

STATEMENT OF THE ISSUE ON APPEAL1

STATEMENT OF THE CASE 2

STANDARD OF REVIEW3

ARGUMENT4

CONCLUSION.....5

TABLE OF AUTHORITIES

CASES

Al-Shabazz v. State, 338 S.C. 354, 527 S.E.2d 742 (2000)4

Hendley v. Budget & Control Bd., 325 S.C. 413, 481 S.E.2d 159 (Ct. App. 1996) ..3

Sandin v. Connor, 515 U.S. 472, 483-84 (1995) 5

Slezak v. S.C. Dep’t of Corr., 361 S.C. 327, 605 S.E.2d 506 (2004)..... 4

Skipper v. S.C. Dep’t of Corr., 370 S.C. 267, 633 S.E.2d 910 (Ct. App. 2006) 4

Sullivan v. S.C. Dep’t of Corr., 355 S.C. 437, 586 S.E.2d 124 (2003) 4, 5

STATUTES AND RULES

S.C. Code § 1-23-610.....3

S.C. Code 15-77-505

STATEMENT OF ISSUE ON APPEAL

THE ADMINISTRATIVE LAW COURT PROPERLY DISMISSED THE APPEAL FOR FAILING TO IMPLICATE A STATE-CREATED LIBERTY OR PROPERTY INTEREST WHERE APPELLANT'S CLAIMS RELATED TO A CONTRACT DISPUTE.

STATEMENT OF THE CASE

This matter comes before this Court pursuant to the appeal of Robert Osbey (Appellant), an inmate confined in the South Carolina Department of Corrections (SCDC). Appellant and SCDC entered into a settlement agreement regarding Appellant's inmate pay on June 14, 2024. Subsequently, Appellant submitted grievances complaining about certain deductions and asserting that SCDC was in breach of the contract. Appellant filed an appeal to the ALC after his Step 2 grievance was denied. On January 8, 2025, the Administrative Law Court dismissed the appeal, finding that there was no state-created liberty or property interest implicated. This appeal 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

THE ADMINISTRATIVE LAW COURT PROPERLY DISMISSED THE APPEAL FOR FAILING TO IMPLICATE A STATE-CREATED LIBERTY OR PROPERTY INTEREST WHERE APPELLANT’S CLAIMS RELATED TO A CONTRACT DISPUTE.

Appellant and SCDC entered into a settlement agreement regarding Appellant’s inmate pay on June 14, 2024. (See Settlement Agreement). Subsequently, Appellant submitted grievances complaining about certain deductions and asserting that SCDC was in breach of the contract. (See Step 2 Grievance). Appellant filed an appeal to the ALC after his Step 2 grievance was denied. (See Notice of Appeal). On January 8, 2025, the Administrative Law Court (“ALC”) dismissed the appeal, finding that there was no state-created liberty or property interest implicated and that Appellant’s breach of contract claims were properly heard in the circuit courts of the state rather than in the ALC. (See ALC Order of Dismissal). The ALC was correct to dismiss the appeal on these grounds.

The ALC’s jurisdiction to hear inmate appeals is derived entirely from the decision of the South Carolina Supreme Court in Al-Shabazz v. State, 338 S.C. 354, 527 S.E.2d 742 (2000). The ALC should summarily dismiss an inmate appeal when the grievance does not implicate a state-created liberty or property interest. Slezak v. S.C. Dep’t of Corr., 361 S.C. 327, 331, 605 S.E.2d 506, 508 (2004); see also Skipper v. S.C. Dep’t of Corr., 370 S.C. 267, 633 S.E.2d 910 (Ct. App. 2006). 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 v. S.C. Dep’t of Corr., 355 S.C. 437, 441, 586 S.E.2d 124, 126 (2003). 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. Connor, 515 U.S. 472, 483-84 (1995); see Sullivan, 355 S.C. at 443, 586 S.E.2d at 127.

Here, Appellant’s appeal is based on a contract dispute with the Department. As stated by the ALC, in South Carolina, the circuit courts have jurisdiction over contract disputes. See S.C. Code 15-77-50 (circuit courts vested with jurisdiction to hear and determine all questions, action, and controversies affecting agencies of this State, and officials of the State in their official capacities). Because Appellant’s claim is a contract dispute and does not allege a deprivation of a state-created liberty or property interest in this matter, the ALC properly concluded that summary dismissal was appropriate.


CONCLUSION

For the foregoing reasons, this Court should uphold the ALC’s dismissal of the case.

Respectfully submitted,

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