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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 Crystal M. Rookard

ALC Case No. 23-ALJ-04-0551-AP
Appellate Case No. 2024-002045

SANDTONYO BARBER, # 291757,

APPELLANT,

v.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS,

RESPONDENT.

MOTION TO REMAND

The Administrative Law Court (ALC) dismissed Appellant's appeal below for failure to exhaust his administrative remedies. Accordingly, the ALC did not make any ruling on the merits and therefore did not address the issue of Appellant's wage calculations. Since the documents necessary to determine whether Appellant was entitled to prevailing wage funds were not before the ALC, it would be improper for this Court to be presented with such documents. See Rule 210 (c) & (h), SCACR. However, if the matter is remanded to the ALC with instructions to remand back to the Department of Corrections for issuance of a supplemental Step 2 response, the issue of Appellant's wage calculations can be addressed and Appellant can separately appeal the issue to the ALC if he so desires.

Accordingly, Respondent respectfully requests that this Court remand the matter to the ALC with instructions to remand to the Department for issuance of a supplemental Step 2 grievance response regarding Appellant's wage calculations.

Respectfully submitted,

**SOUTH CAROLINA DEPARTMENT
OF CORRECTIONS**

BY:



CHRISTINA BIGELOW
Deputy General Counsel
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ATTORNEY FOR RESPONDENT

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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 Remand** to Appellant, addressed as follows:

Sandtonyo Barber, # 291757
Tyger River Correctional Institution
8B-0215
200 Prison Road
Enoree, South Carolina 29335



Christina Catoe Bigelow
Deputy General Counsel
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April 9, 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

April 9, 2025

The Honorable Jenny A. Kitchings
Clerk of Court, S.C. Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211


RE: Sandtonyo Barber, # 291757 v. South Carolina Department of Corrections
Appellate Case No. 2024-002045

Dear Ms. Kitchings:

Enclosed please find the Respondent's **Motion to Remand** in the above captioned appeal, 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 C. Bigelow
Deputy General Counsel
South Carolina Department of Corrections

cc: Sandtonyo Barber, # 291757
Tyger River Correctional Institution
8B-0215
200 Prison Road
Enoree, South Carolina 29335