

State of South Carolina

IN THE COURT OF APPEALS

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JUN 02 2025

Appeal From Administrative Law Court SC Court of Appeals

Crystal M. Ruskard, Admin. Law Judge

CA No.: 2025-000018

Angelo Ham,

Appellant

v.

S.C. Dept. of Corrections,

Respondent

Reply Brief of Appellant

Angelo Ham
Perry Correctional Institution
435 CALHOUN ROAD
PERRY, S.C. 29669

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The ALC erred by summarily dismissing Appellant's appeal where he alleged a state-created liberty or property interest.

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Barton v. S.C. Dept. of Pub. Works, Parks, and Pardon Service,
404 S.C. 395, 401, 745 S.E.2d 110, 113 (2013) 2.

Rule 58(B) of the S.C. Rules of Admin. Law
Court 3.

Rule 58(E) of the S.C. Rules of Admin. Law
Court 3.

Argument

The ALC erred by summarily dismissing Appellants appeal where he alleged a state-created liberty or property interest.

The Court held in Barton that "In determining whether the ALC's decision was supported by substantial evidence, this Court need only find, looking at the entire record on appeal, evidence from which reasonable minds could reach the same conclusion that the ALC reached." Barton v. S.C. Dept. of Prob., Parole, and Pardon Servs., 404 S.C. 395, 401, 745 S.E.2d 110, 113 (2013).

Appellant contends that upon the filing of his Notice of Appeal in the ALC and prior to the Appellant filing his initial brief, the Respondent filed a Motion to Dismiss and a incomplete record on Appeal which only consisted of the same documents that

the Respondent offers in the instant matter (i.e., Step One and Two Grievances). Although the Respondents Record on Appeal complied with Rule 58(E) because it consisted of the final decisions that were subject to review, however, the Respondents Record on Appeal did not comply with Rule 58(B) because it did not provide any evidence received or considered in reaching its decision. All the Respondents provided were the final decision of the Agency (i.e., Step One and Two Grievances) and not proof of any of the Appellants canteen and/or Access Securepak receipts or the Appellants Property Inventory to show that the Appellant in fact had purchased such items or was in possession of such property.

So, therefore, the ALC's decision could not have been supported by substantial evidence and, as a result, WARRANT A REVERSE AND REMAND.

Conclusion

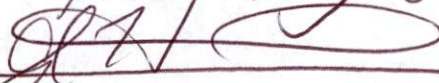
Based on the foregoing reasons, Appellant respectfully request that this Honorable Court REVERSE the ALC's decision.

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SC Court of Appeals

Respectfully Submitted,



MAY 27, 2025

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