

**STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT**

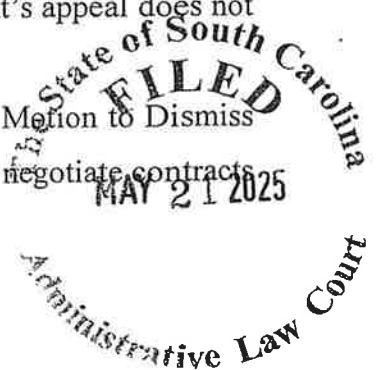
Robert Deal, Jr., #301062,)
)
Appellant,)
)
v.)
)
South Carolina Department of Corrections,)
)
)
Respondent.)
)
_____)

Docket No. 25-ALJ-04-0004-IJ
RECEIVED
JUN 10 2025
SC Court of Appeals
**ORDER GRANTING
RESPONDENT'S MOTION TO
DISMISS**

This matter is before the South Carolina Administrative Law Court (ALC or court) pursuant to the Notice of Appeal filed on January 6, 2025 by Robert Deal, Jr., (Appellant), an inmate in the custody of the South Carolina Department of Corrections (Respondent or Department). After the Appellant's Step 1 Grievance was filed and returned unprocessed because the position the Appellant held at McCormick Correctional Institution was in a service program, which was not subject to the prevailing wage statute and therefore the Appellant is not owed any funds, he filed an appeal with the court.

On May 8, 2025, the Department filed a Motion to File Out of Time and Motion to Dismiss with the court. In its Motion to File Out Time, Department explained that the Department's brief or responsive filing was due May 6, 2025, however due to an administrative oversight and the overabundance of cases the Department did not file its Motion to Dismiss in a timely manner. The Department is asking the court to dismiss this appeal because the Appellant's allegations do not implicate a state-created liberty or property interest since the Appellant never worked for a Prison Industries Enhancement Certification Program (PIECP). Therefore, the Appellant does not have a claim that he should be paid the prevailing wage and this appeal should be dismissed pursuant to *Slezak v. S.C. Dep't of Corr.*, 361 S.C. 327, 605 S.E. 2d 506 (2004) and *Skipper v. S.C. Dep't of Corr.*, 370 S.C. 267, 633 S.E.2d 910 (Ct. App. 2006) because the Appellant's appeal does not involve a state-created liberty or property interest.

On May 15, 2025, the Appellant filed a response to the Department's Motion to Dismiss arguing that the legislative intent was for the Department to have flexibility to negotiate contracts



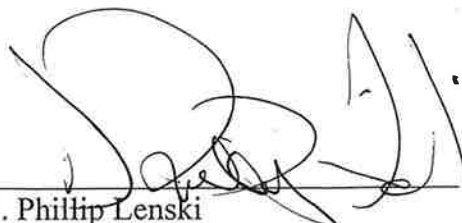
with private sector entities at a rate below the prevailing wage, not to pay an inmate slave wages. Therefore, he should be awarded all back pay for his labor while assigned to Prison Industries at McCormick Correctional Institution (McCormick).

In this case, the Appellant is requesting backpay from the Department for labor performed while assigned to Prison Industries at McCormick from September 22, 2014 to October 18, 2018 and November 10, 2019 to November 2, 2021. However, the Department argues that the Appellant never worked for a PIECP while at McCormick because McCormick did not have a PIECP program during the time the Appellant worked but instead had a split service and traditional program for furniture and upholstery. In support of its Motion to Dismiss, the Department included a notarized affidavit from the Director of Support Services and Industries attesting that McCormick did not have a PIECP during the time the Appellant was working.

When reviewing the Department's decisions in inmate grievance matters, the court sits in an appellate capacity. *SCDC v. Mitchell*, 377 S.C. 256, 659 S.E.2d 233 (Ct. App. 2008). Consequently, the review in these inmate grievance cases is limited to the record before the court. Pursuant to *Slezak*, the court is to have jurisdiction over all properly perfected inmate appeals, but “[s]ummary dismissal may be appropriate where the inmate’s grievance does not implicate a state-created liberty or property interest.” See *Slezak v. S.C. Dep’t of Corr.*, 361 S.C. 327, 331, 605 S.E. 2d 506, 508 (2004). Here, the Appellant did not work for a PIECP, therefore there is no state-created liberty or property interest implicated here. Based on the foregoing,

IT IS HEREBY ORDERED that the Department’s Motion to File Out of Time and Motion to Dismiss are **GRANTED** and this appeal is hereby **DISMISSED**.

AND IT IS SO ORDERED.

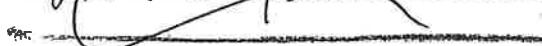

S. Phillip Lenski
Administrative Law Judge

May 21, 2025
Columbia, South Carolina

CERTIFICATE OF SERVICE

This is to certify that the undersigned has this date served this order in the above entitled action upon all parties to this cause by depositing a copy hereof, in the United States Mail, postage paid, or in the interagency Mail Service addressed to the party(ies) or their attorney(s).

This 21st day of May 2025


Administrative Law Clerk