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Aug 06 2025

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-04-0526-AP
Appellate Case No. 2024-001076

BOBBY GIBSON, JR.,

APPELLANT,

v.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS,

RESPONDENT.

MOTION TO DISMISS APPEAL

On May 23, 2025, Respondent submitted a motion to remand this matter to the Administrative Law Court (ALC) to then remand the case back to the Department for issuance of a corrected Step 2 grievance containing Appellant's wage calculations. The motion to remand was granted by Order dated July 7, 2025. The ALC remanded the matter to the Department by Order dated July 17, 2025. The Department issued and served an appealable corrected Step 2 grievance response to Appellant on July 25, 2025 (see attached). Appellant can file a new appeal

with the ALC if he is unsatisfied with the corrected grievance response. Accordingly, Respondent respectfully requests that this appeal be dismissed as moot.

Respectfully submitted,

**SOUTH CAROLINA DEPARTMENT
OF CORRECTIONS**

BY:



CHRISTINA C. BIGELOW
Deputy General Counsel
Office of General Counsel
S.C. Department of Corrections
Post Office Box 21787
Columbia, South Carolina 29221
(803) 896-8508

ATTORNEY FOR RESPONDENT

August 6, 2025



**SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM
STEP 2**

Office Use Only

INMATE NAME Bobby Gibson
 SCDC NUMBER 171470
 INSTITUTION Livesay
 HOUSING UNIT _____
 WORK ASSIGNMENT _____

Grievance No LIWC-0110-23
 Code: General _____
 Policy _____
 Disc Hear _____
 Class _____
 PREA _____
 Date Received _____
 IGC Initials _____
 Date Received _____
 IGA Initials _____

INMATE'S REASON FOR APPEAL (state specific dissatisfaction)

In accordance with SCDC Policy GA-01.12, "Inmate Grievance System," due to the nature of allegations you have raised in your grievance, it has been forwarded to the Inmate Grievance Branch Central Office and Office of General Counsel for a response.

Inmate's signature has been adopted from SCDC 10-5, Step 1 Inmate Grievance Form.

Grievant Signature N/A Date N/A

RESPONSIBLE OFFICIAL'S DECISION AND REASON

SEE REVERSE SIDE FOR RESPONSIBLE OFFICIAL'S DECISION & REASON

Responsible Official Signature [Signature] Date 7/24/25

The decision rendered by the responsible official exhausts the appeal process of the Inmate Grievance Procedure. I hereby acknowledge receipt of the official's response and understand this is the Agency's final response to this matter.

[Signature] 7-25-25
 Grievant Signature Date

[Signature] 7/25/25
 IGC Signature Date

(SEE REVERSE SIDE FOR INSTRUCTIONS)

INSTRUCTIONS FOR COMPLETING STEP 2 GRIEVANCE FORM

1. Complete form in its entirety, writing only in the space provided for inmate use.
2. State your specific reason for further appeal. Do not submit any new issues for review. No additional pages will be permitted.
3. Submit this completed form with your copy of the Step 1 form by placing in the Grievance Box within five (5) days of your receipt of the Warden's decision. Do not write in the space provided for the responsible official.
4. The decision rendered by the responsible official exhausts the appeal process of the SCDC Inmate Grievance Procedure.

Bobby Gibson, # 171440 - LIWC-0110-23

This matter has been remanded to SCDC from the Court of Appeals for a corrected Step 2 response. This serves as the corrected Step 2 response. SCDC has calculated your pay at the prevailing wage rate for your Prison Industries job codes from August 2016 through July 2023. Any labor performed at any other time was not subject to the prevailing wage statute. Also, please note that the inmate pay statute, S.C. Code 24-3-430(D), was amended effective May 21, 2024, and it eliminated the language requiring that inmates be paid the prevailing wage going forward. It is now lawful for inmates to be paid the federal minimum wage. Our calculations resulted in the following:

Gross total: ██████████
Deductions:
 20% Victim Restitution: ██████████
 25% Room and Board: ██████████
 10% LT Savings: ██████████
Net total: ██████████

SCDC believes its calculations are correct. However, it is our understanding that you disagree with SCDC's calculations. Therefore, you may file an appeal.

The decision rendered by the responsible official exhausts the appeal process of the Inmate Grievance Procedure. No additional grievances may be submitted through the Inmate Grievance System regarding the timeframe stated in this Final Agency Decision. Therefore, we consider your grievance resolved.

You may appeal this decision under the South Carolina Administrative Procedures Act to the South Carolina Administrative Law Court. In order to appeal, you must complete the attached Notice of Appeal Form and submit it as instructed on the form within 30 days of receipt of this decision.

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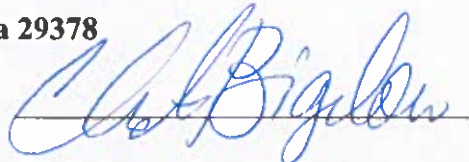
SOUTH CAROLINA DEPARTMENT OF CORRECTIONS,

RESPONDENT.

CERTIFICATE OF SERVICE

Undersigned counsel hereby certifies that on this date, she mailed a copy of the **Motion to Dismiss Appeal** to Appellant, addressed as follows:

**Bobby C. Gibson, Jr., # 171440
Livesay Correctional Institution
N6-0024
Post Office Box 580
Una, South Carolina 29378**



Christina Catoe Bigelow
Deputy General Counsel
S. C. Department of Corrections
Post Office Box 21787
Columbia, S. C. 29221
(803) 896-8508

August 6, 2025



SOUTH CAROLINA
DEPARTMENT OF CORRECTIONS
Office of General Counsel

HENRY McMASTER, Governor
JOEL E. ANDERSON, Interim Director

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August 6, 2025

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

RE: Bobby Gibson, # 171440 v. South Carolina Department of Corrections
Appellate Case No. 2024-001076

Dear Ms. Kitchings:

Enclosed please find Respondent's **Motion to Dismiss Appeal** in the above referenced matter, along with **Proof of Service**. A copy of the same is being mailed to Appellant today.

Thank you for your attention to this matter, and please do not hesitate to contact me should there be any questions or concerns.

Sincerely,

Christina Catoe Bigelow
Deputy General Counsel
South Carolina Department of Corrections
S.C. Bar No. 73562

cc: Bobby C. Gibson, Jr., # 171440
Livesay Correctional Institution
N6-0024
Post Office Box 580
Una, South Carolina 29378