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Oct 22 2025

SC Court of Appeals

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Administrative Law Judge S. Phillip Lenski

ALC Case No. 25-ALJ-04-0203-AP
Appellate Case No. 2025-001699

HARLAN D. MELTON, # 364742,

APPELLANT,

v.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS,

RESPONDENT.

INITIAL BRIEF OF RESPONDENT

**SOUTH CAROLINA DEPARTMENT
OF CORRECTIONS**

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STATEMENT OF ISSUE ON APPEAL

THE ADMINISTRATIVE LAW COURT PROPERLY DISMISSED THE APPEAL FOR FAILURE TO IMPLICATE STATE-CREATED LIBERTY OR PROPERTY INTERESTS WHERE APPELLANT DID NOT LOSE ANY GOOD TIME CREDIT AS A PUNISHMENT FOR HIS DISCIPLINARY OFFENSE.

STATEMENT OF THE CASE

This matter comes before this Court pursuant to the appeal of Harlan Melton, an inmate in the custody of the South Carolina Department of Corrections (SCDC). In the spring of 2025, Appellant submitted Step One and Two Grievances challenging his disciplinary conviction for offense 898. The grievances were denied, and on April 22, 2025, Appellant filed a Notice of Appeal with the Administrative Law Court (ALC). On July 21, 2025, the ALC issued an Order Granting Respondent's Motion to Dismiss. In this Order, the ALC found that because Appellant did not lose any good time as a result of the disciplinary convictions, the case should be summarily dismissed because it did not implicate a state-created liberty or property interest. This appeal follows.

STANDARD OF REVIEW

S.C. Code Ann. § 1-23-610(B) provides the applicable standard of review:

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 FAILURE TO IMPLICATE A STATE-CREATED LIBERTY OR PROPERTY INTEREST WHERE APPELLANT DID NOT LOSE ANY GOOD TIME CREDIT AS A PUNISHMENT FOR HIS DISCIPLINARY OFFENSE.

The ALC was correct in finding that Appellant's grievance did not implicate a state-created liberty or property interest. The requirements of procedural due process apply only to the deprivation of interests encompassed by the Fourteenth Amendment's protection of liberty and property. Al-Shabazz v. State, 338 S.C. 354, 369, 527 S.E.2d 742, 750 (2000). The ALC may summarily dismiss inmate cases that do not involve state-created liberty or property interests. Slezak v. S.C. Dep't of Corr., 361 S.C. 327, 605 S.E.2d 506 (2004). The loss of the opportunity to earn sentence-related credits does not implicate a state-created liberty interest. Howard v. S.C. Dep't of Corr., 399 S.C. 618, 626-27, 733 S.E.2d 211, 216 (2012) (citing to S.C. Code 1-23-600(D)).

Here, Appellant did not lose any good time credits as a result of his disciplinary conviction. (See Disciplinary Report and Hearing Record.). Therefore, the lower court properly dismissed the appeal as not implicating a state-created liberty or property interest.

CONCLUSION

For the foregoing reasons, this Court should affirm the Administrative Law Court's decision below.

Respectfully submitted,

**SOUTH CAROLINA DEPARTMENT
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