

STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT

Marco Bates, #249552,

Appellant,

v.

South Carolina Department of Corrections,

Respondent.

Docket No. 25-ALJ-04-0139-AP  
Grievance No. LEECI 0922-24

ORDER

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SC Court of Appeals

This matter is before the South Carolina Administrative Law Court (ALC or Court) pursuant to the Notice of Appeal filed March 26, 2025, by Marco Bates (Appellant). This matter was assigned to the undersigned on April 10, 2025. Appellant's grievance with the South Carolina Department of Corrections (SCDC or Department) concerned his assertion that he was entitled to the prevailing wage and his request for backpay for periods of employment from October 1998 to May 2001. The Department filed a Motion to Dismiss on May 30, 2025, which the Court denied on June 16, 2025. Appellant filed his initial brief on June 19, 2025. The Record on Appeal (Record) was filed on July 17, 2025.

On July 29, 2025, Appellant filed two motions: a "Motion to Dismiss Affidavit of Richard Hodgkiss", and a "Rule 38 Motion for Relief for Failure to Comply with the Rules."<sup>1</sup> On August 22, 2025, the Department filed its brief and a second Motion to Dismiss (Motion) stating that no state-created liberty or property interest was implicated, because Appellant never worked for a Prison Industries Enhancement Certification Program (PIECP), which is subject to the prevailing wage statute. The Motion was accompanied by (1) an Affidavit from the Department's Director of Support Services and Industries, (2) Payroll Detail Records and (3) a copy of the PI Private Sector Accounting Account Summary. Appellant filed a reply brief on September 8, 2025. The Court withheld ruling on the Motion until the parties submitted supplemental briefs or documentation on grounds that the Affidavit did not address parts of Appellant's work history. Appellant submitted a supplemental brief on October 1, 2025 and the Department submitted a supplemental brief on October 2, 2025.<sup>2</sup>

<sup>1</sup> Appellant requested to withdraw this pending motion in his supplemental brief filed with the Court.

<sup>2</sup> The Department also filed a Motion to Supplement the Record on October 2, 2025, requesting the Court supplement the Record with the previously requested documentation.



### STANDARD OF REVIEW

The Court's jurisdiction to hear this matter is derived from the South Carolina Supreme Court's decision in *Al-Shabazz v. State*, 338 S.C. 354, 527 S.E.2d 742 (2000). Pursuant to *Al-Shabazz*, this Court may only review matters related to a state-created liberty or property interest. *See id.*, 338 S.C. at 368–69, 527 S.E.2d at 749–50 (vesting the ALC with jurisdiction over the loss of state-created liberty interests such as accrued good time credit); *Wicker v. S.C. Dept. of Corrs.*, 360 S.C. 421, 602 S.E.2d 56 (2004) (holding that inmate had a right to procedural due process in matters involving a state-created right to property such as wages). Specifically, the South Carolina Supreme Court has stated that summary dismissal of an otherwise properly perfected inmate appeal “may be appropriate where the inmate’s grievance does not implicate a state-created liberty or property interest.” *Slezak v. S.C. Dept. of Corrs.*, 361 S.C. 327, 331, 605 S.E.2d 506, 508 (2004) (citation omitted).

### DISCUSSION

In this matter, Appellant is making a claim for wages pursuant to subsection 24-3-430(D) of the South Carolina Code (2025). Contrary to Appellant’s assertion, the statute at issue applies only to the prison work programs at SCDC which are commonly referred to as PIECP. Section 24-3-430 states that it applies to “inmate labor by a nonprofit organization or in private industry for the manufacturing and processing of goods, wares, or merchandise.” These are programs that are organized as an exception to the general rule set forth in section 24-3-410 of the South Carolina Code (2025) prohibiting the sale on the open market of products manufactured or produced by inmate labor.

The Affidavit provided represents that Appellant was incarcerated at an institution, McCormick Correctional Institution (MCCI), which did not have any PIECPs from 1998 to 2001, the same time period Appellant alleges he is entitled to the prevailing wage. Appellant asserts, and the Record corroborates, that he did not work as a Material Handling Equipment Operator while at MCCI.<sup>3</sup> Consequently, the Court will not consider the Affidavit provided. At the directive of the Court and because of the questions raised by the Affidavit, the Department provided supplemental documentation to address Appellant’s work history while incarcerated at Lee

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<sup>3</sup> Appellant was transferred to MCCI on May 30, 2001, the same day his assignment as a Material Handling Equipment Operator ended.

Correctional Institution (LEECI). This supplemental brief and documentation set forth that LEECI did not have any PIECPs and further that Appellant participated in either a traditional or service program while incarcerated at LEECI. The Department asserts that Service Industries Programs and Traditional Industries Programs are not subject to the prevailing wage because they do not work with private industry sponsors. The Payroll Detail Records indicates Appellant was paid at a rate less than minimum wage from 1998 to 2001, which the Department stated is consistent with having worked for a Service Program. Additionally, the copy of the PI Private Sector Accounting Summary indicates Appellant did not have an account. The Department asserts this shows Appellant never worked for a PIECP. While Appellant was correct as to his work history, he provides no support as to his assertion that he is entitled to the prevailing wage for labor performed at LEECI.

Here, there is nothing before the Court that indicates any of the work performed by Appellant as an inmate was a part of a PIECP. Therefore, the requirement that the prevailing wage be paid is not applicable to the Appellant. Because there is no statutory requirement that the prevailing wage be paid to Appellant, there is no state-created liberty or property interest involved in this matter. As such, the Court concludes that summary dismissal is appropriate in this case. *See Allen v. S.C. Dep't of Corr.*, 439 S.C. 164, 170-71, 886 S.E.2d 671, 674 (2023) (summary dismissal appropriate where the inmate's grievance does not implicate a state created liberty or property interest.).

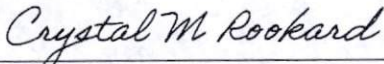
**ORDER**

**IT IS HEREBY ORDERED** that the Appellant's Motion to Dismiss Affidavit of Richard Hodgkiss is **DENIED**.

**IT IS FURTHER ORDERED** that the Department's Motion to Supplement the Record is **GRANTED**.

**IT IS FURTHER ORDERED** that the Department's Motion to Dismiss is **GRANTED**, and this appeal is **DISMISSED WITH PREJUDICE**.

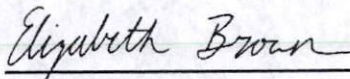
**AND IT IS SO ORDERED.**

  
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The Honorable Crystal M. Rookard  
South Carolina Administrative Law Judge

October 15, 2025  
Columbia, South Carolina

**CERTIFICATE OF SERVICE**

I, Elizabeth Brown, hereby certify that I have this date served this Order upon all parties to this cause by depositing a copy hereof in the United States mail, postage paid, or by electronic mail, to the address provided by the party(ies) and/or their attorney(s).



Elizabeth Brown  
Judicial Law Clerk

October 15, 2025  
Columbia, South Carolina