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SC Court of Appeals

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Adam Weitenhagen, #319884,)
)
 Appellant,)
)
 v.)
)
 South Carolina Department of Corrections,)
)
 Respondent.)

Docket No. 25-ALJ-04-0624-AP

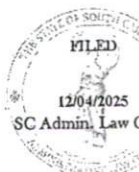
**ORDER GRANTING
RESPONDENT'S MOTION TO
DISMISS**

This matter is before the South Carolina Administrative Law Court (ALC or court) pursuant to the Notice of Appeal filed on September 5, 2025 by Adam Weitenhagen (Appellant), an inmate in the custody of the South Carolina Department of Corrections (Respondent or Department). After the Appellant's Step 1 and Step 2 grievances were filed and denied, the Appellant filed a Notice of Appeal with this court appealing the denial of his grievance in which he claims that since the settlement of his back wages, the Department has failed to correct the Appellant's pay rate pursuant to state requirements and contractual obligations.

On November 14, 2025, the Department filed a Motion to Dismiss because on April 10, 2024, the parties settled any and all claims arising out of the Appellant's participation in the prison industries program and because subsection 24-3-430 of the South Carolina Code was amended effective May 21, 2024 to allow the Department to pay inmates the federal minimum wage. Therefore, since S.C. Code Ann. § 24-3-430-(D) explicitly directs that the Department may pay inmates the federal minimum wage for their work in the Prison Industries Enhancement Certification Program (PIECP), the Department requests that this appeal be dismissed. On November 21, 2025, the Appellant filed a response to the Department's Motion to Dismiss asking the court to deny the Department's motion to dismiss because the Department is bound by federal statute, federal guidelines, and its own PIECP certification agreement and cannot unilaterally alter federally mandated wage requirements by state legislation.

STANDARD OF REVIEW

This court's jurisdiction to hear this matter is derived entirely from the decision of the South Carolina Supreme Court in *Al-Shabazz v. State*, 338 S.C. 354, 527 S.E.2d 742 (2000). Therefore, the court's appellate jurisdiction in inmate appeals is limited to cases involving denial of state



created liberty interests typically involving: (1) cases in which an inmate contends that prison officials have erroneously calculated his sentence, sentence-related credits, or custody status; and (2) cases in which an inmate has received punishment in a major disciplinary hearing as a result of a serious rule violation.¹ *Id.* The Court further clarified in *Wicker v. South Carolina Department of Corrections*, that this court has jurisdiction to hear inmate wage claim grievances in the limited circumstance where the state has created a statutory right to that wage. 360 S.C. 421, 423–24, 602 S.E.2d 56, 57 (2004) (“We find that where, as here, the state has created a statutory right to the payment of a prevailing wage, it cannot thereafter deny that right without affording due process of law.”).

DISCUSSION

In this matter, the Department responded to the Appellant’s Step 2 Grievance that the Appellant has settled his prevailing wage claim and that the release the Appellant signed provides that the settlement is for all Prison Industries (PI) claims at all institutions. In the Motion to Dismiss, the Department argues that the inmate pay statute, S.C. Code Ann. § 24-3-430(D) was amended effective May 21, 2024, to allow the Department to pay inmates the federal minimum wage. Consequently, the Appellant is entitled to be paid the federal minimum wage, which he is receiving.

The Appellant argues that this grievance concerns wages owed from April 11, 2024 to the present, a time period not covered by the prior settlement and that he is entitled to the prevailing wage under federal law. However, South Carolina courts have previously held that certain federal laws do not apply to inmate workers, but rather state statutory mandates govern the Department’s conduct. *See South Carolina Dept. of Corr. V. Cartrette*, 387 S.C. 640, 694 S.E.2d 18 (Ct. App. 2010) (holding that the federal Fair Labor Standards Act does not apply to inmate workers, but rather statutes governing the prison industries program compel the Department to ensure inmate workers receive the same pay rates and employment conditions as their non-inmate peers.). Inmates working in a prison industries program have a state-created liberty interest in having the Department pay them according to the statutory scheme governing the program. *Torrence v. S.C. Dep’t of Corr.*, 433 S.C. 633, 861 S.E.2d 36 (2021). The current statutory mandate requires the Department to pay inmates not less than the federal minimum wage. *See Brown v. S.C. Dep’t of Health & Envtl. Control*, 348 S.C. 507, 515, 560 S.E.2d 410, 414 (2002) (“An appellate court

¹ The court does have limited jurisdiction in some property matters, the authority for which need not be cited here.

cannot construe a statute without regard to its plain meaning and may not resort to a forced interpretation in an attempt to expand or limit the scope of a statute.”).

In this case, the Appellant has not met his burden to show that the Department has erred. *State v. Mitchell*, 330 S.C. 189, 199, 498 S.E.2d 642, 647 (1998) (placing on appellant the burden of presenting a sufficient record to allow appellate review). Therefore, based on the foregoing,

IT IS HEREBY ORDERED that the Department’s Motion to Dismiss is **GRANTED** and this appeal is **DISMISSED**.

AND IT IS SO ORDERED.



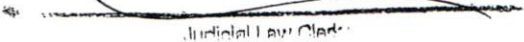
S. Phillip Lenski
Administrative Law Judge

December 4, 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 heretof, in the United States (air, postage paid, or in the Interagency Mail Service addressed to the party(ies) of their attorney(s).

This 4th day of December 2025


Judicial Law Clerk