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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-04-0144-AP

Appellate Case No. 2025-001627

Matthew Brown, #370550, Appellant,

v.

South Carolina Department of Corrections, Respondent.

REPLY BRIEF OF APPELLANT

RECEIVED
DEC 30 2025
SC Court of Appeals

Very truly yours,

Matthew Brown

Matthew Brown, #370550, Appellant
Allendale Correctional Institution
1057 Revolutionary Trail
Fairfax, SC. 29827

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STATEMENT OF ISSUE ON APPEAL

1) Did the Administrative Law Judge err in allowing the South Carolina Department of Corrections to charge a RX-copay for chronic medications such as high blood pressure and cholesterol medications due to being a ward to the state in accordance with SCDC Policy Procedure HS-18.17.4.11; medical co-payment as well as under the 8th Amendment under the United States Constitution and the 14th Amendment of the United States Constitution and South Carolina Constitution?

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STATEMENT OF THE CASE

This matter comes before this court pursuant to the appeal of Matthew Brown, an inmate in the custody of the South Carolina Department of corrections (SCDC). Appellant submitted grievances in February 2025 complaining about being charged a co-payment for his blood pressure and cholesterol medications. After his grievances were denied, he filed a Notice of Appeal in the Administrative Law court (ALC) in March 2025. On July 9, 2025, Judge S. Phillip Lenski issued an order granting the Department's motion to Dismiss. In that order, Judge Lenski found that Appellant's complaint 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.

S.C. Code Ann. § 1-23-380(5).

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.

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ARGUMENT

The jurisdiction of the ALC to hear this matter was derived from the South Carolina Supreme court in Al-Shabazz v. State, 338 S.C. 354, 527 S.E. 2d 742 (2000). Subsequently, the Supreme court clarified the ALC's appellate jurisdiction over inmate appeals in Sullivan v. S.C. Dept of Corr., 355 S.C. 437, 586 S.E. 2d 124 (2003). The Sullivan court held that the ALC's jurisdiction was limited to cases in which an inmate's confinement implicates a state-created liberty or property interest. See Sullivan at 443-44, 586 S.E. 2d at 127. In Slezak v. S.C. Dept of Corr., 361 S.C. 327, 332, 605 S.E. 2d 506 (2004), the Supreme court held that the ALC must provide minimal due process for state-created liberty or property interests. In this case, the ALC wrongly concluded that no state-created liberty or property interest was implicated. A state-created property interest must be grounded in state law. See Logan v. Zimmerman Brush Co., 455 U.S. 422, 430 (1982). An inmate claiming a protected interest must have a legitimate claim of entitlement to it. H. Allen v. S.C. Dept of Corr., 434 S.C. 114, 118-19, 862 S.E. 2d 268, 270 (Ct. App. 2021), reh'g denied (Sept. 8, 2021), cert-granted (Apr. 5, 2023), aff'd as modified, 439 S.C. 164, 886 S.E. 2d 671 (2023). Appellant asserts in this case that he should not be charged co-payments for his blood pressure and cholesterol medications because section 4, 11 of SCDC Policy HS-18.17 states that "no co-payment will be charged for certain medications." Blood pressure medication and cholesterol medication are considered chronic medications and fall under this category. Appellant claims he is entitled to a state-created liberty interest and property interest for being charged a Rx-co-pay of \$10.00 per month for chronic medications of blood pressure and cholesterol. According to due process and equal protection under the 14th Amendment of the United States Constitution and South Carolina Constitution, this falls under adequate levels of medical care. It's an 8th Amendment violation for cruel and unusual punishment under the United States Constitution. Jail and prison officials may not interfere or fail to carry out treatment that a doctor or other medical official has prescribed or ordered for you. Such conduct amounts to deliberate indifference. See Estelle v. Gamble 429 U.S. 97, 106, 97 S.Ct. 285, 50 L.Ed. 2d 251 (1976).

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CONCLUSION

Based on the above arguments, Appellant respectfully prays that this court enter judgment, that the acts and omissions described herein violate his rights under the constitution and laws of the United States and order the Respondents to provide medical RX co-pay reimbursement of \$10.00 per month since May 2024 as mentioned in this appeal.

Matthew Brown

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This 17th day of December, 2025.