STATE OF SOUTH CAROLINA
IN THE ADMINISTRATIVE LAW COURT

Jeffery Simpson, #282574 Appellant, v. South Carolina Department of Corrections, Respondent.	)	Docket No.: 25-ALJ-04-0705-IJ [Grievance No.: TCI 313-25] *Hon. S. Phillip Lenski* **RESPONDENT'S MOTION TO DISMISS**

RECEIVED
JAN 14 2026
SC Court of Appeals

STATEMENT OF THE CASE

This matter is before the Administrative Law Court ("ALC" or "Court") pursuant to the appeal of Jeffery Simpson ("Appellant"), an inmate incarcerated with the South Carolina Department of Corrections ("SCDC" or "Department"). On June 2, 2025, Appellant filed a Step One Grievance challenging his May 27, 2025, disciplinary conviction for the offense of 811, "Possession of a Weapon" in case #1.[1] On July 1, 2025, Appellant's Step One Grievance was reviewed and denied. This appeal followed.

STANDARD OF REVIEW

The ALC'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). When reviewing SCDC's decisions in inmate grievance matters, the ALC sits in an appellate capacity. *Id.* at 377, 527 S.E.2d at 754. Subsequently, the supreme court clarified the ALC's appellate jurisdiction over inmate appeals in *Sullivan v. S.C. Dep't of Corr.*, 355 S.C. 437, 586 S.E.2d 124 (2003). In affirming, as modified, the ALC's *en banc* decision of *McNeil v. S.C. Dep't of Corr.*, 02-ALJ-04-00336-AP (September 5, 2001), the Supreme Court held the ALC's jurisdiction was

[1] A copy of the Step One Grievance is attached for the Court's and parties' convenience.

limited to (1) cases in which an inmate contends prison officials have erroneously calculated his sentence, sentence-related credits, or custody status; (2) cases in which SCDC has taken an inmate's *state-created* liberty interest in major disciplinary hearings; and (3) cases in which an inmate's confinement implicates a *state-created* liberty interest. *See Sullivan*, 355 S.C. at 443, 586 S.E.2d at 127 (emphasis added).

Further, the state law from which the ALC's jurisdiction to review agency decisions is derived generally requires that those agency decisions be final. S.C. Code Ann. §1-23-380. According to the Honorable John D. Geathers, current Judge of the South Carolina Court of Appeals and former Administrative Law Judge, "The doctrine of exhaustion of administrative remedies generally requires a person seeking relief from the action of an administrative agency to pursue all available administrative remedies before seeking such relief from the courts." Lewis Williams, Petitioner, 04-ALJ-17-0276-CC, 2005 WL 828024, at *1 (Mar. 9, 2005). In that case, Judge Geathers dismissed the petitioner's case because he had failed to exhaust the administrative remedies available to him. Thus, the agency decision in question was not final. The South Carolina Supreme Court has also weighed in on this issue stating, "[e]xhaustion is generally required as a matter of preventing premature interference with agency processes... and to compile a record which is adequate for judicial review." *Video Gaming Consultants, Inc. v. S.C. Dep't of Revenue*, 342 S.C. 34, 38, 535 S.E.2d 642, 644 (2000).

ARGUMENTS

In this case, Appellant failed to exhaust his administrative remedies. As a result, Appellant did not receive a final agency decision. The South Carolina Department of Correction has in place a two-step grievance system that is available to inmates. In *Al-Shabazz*, the South Carolina Supreme Court reviewed SCDC's grievance system, specifically the grievance filing deadlines,

and determined it was consistent with the standards outlined in *Wolff v. McDonnell*, 418 U.S. 539 (1974). *Al-Shabazz*, 527 S.C. at 372. The procedures and deadlines for this process are provided in SCDC Policy GA-01.12 Inmate Grievance System which is available to all inmates in their institutional law library. This grievance system provides them with a way to bring issues to the agency's attention and to obtain a final agency decision on an issue.

South Carolina Code section 1-23-380 requires the "exhaust[ion of] all administrative remedies available within the agency" and a "final decision in a contested case" as prerequisites to ALC review. The South Carolina Supreme Court has interpreted this language in S.C. Code Ann. § 1-23-380 as meaning that "[j]udicial review is appropriate where there is an appeal from a final agency order . . ." and "relief is not generally available where one has not exhausted administrative remedies." *See Garris v. Governing Bd. of South Carolina Reinsurance Facility*, 319 SC 388, 390, 461 S.E.2d 819, 821 (1995). Here, Appellant failed to fully exhaust SCDC's administrative remedies to obtain a final agency decision, thus, he is not entitled to the requested relief or this Court's review of the matters raised.

Therefore, because Appellant did not exhaust his administrative remedies, this Court lacks jurisdiction over and should dismiss this appeal.

CONCLUSION

For the foregoing reasons, Respondent requests the Court dismiss Appellant's appeal.

[SIGNATURE BLOCK TO FOLLOW]

Respectfully Submitted,

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

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December 4, 2025
Columbia, South Carolina

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Jeffery Adrian Simpson, #282574,	)	
	)	
Appellant,	)	
	)	**Certificate of Service**
vs.	)	
	)	Docket# 25-ALJ-04-0705-IJ
South Carolina Department of Corrections,	)	
	)	
Respondent.	)	

I hereby certify that a copy of the foregoing ***Respondent's Motion To Dismiss*** was, this date, served upon the following individuals by placing a copy of the same via mail to his/her last known address as follows:

Inmate Jeffery Adrian Simpson
Inmate Number: 282574
Turbeville Correctional Institution
Dorm-Room-Bunk: TB-0185-B

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SC Court of Appeals

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December 4, 2025