

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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SC Court of Appeals

Appeal From Administrative Law Court  
The Honorable Phillip Lenski  
Administrative Law Judge...  
Case No: 25-ALJ-04-0624-AP

Adam Weitenhagen #319884, Appellant,

Vs.

South Carolina Department of Corrections, Respondent.

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INITIAL BREIF OF APPELLANT

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Adam Weitenhagen #319884,  
Tyger River Correctional Inst.  
200 Prison Road Unit 1  
Enoree, South Carolina 29335  
Appellant Pro Se

## TABLE OF CONTENTS

Statement of Issues on Appeal Page 3.

Statement of Case, Page 4.

State of Facts, Page 5.

### Table of Authorities:

- .Fidelity Fed. Sav. & Loan ass'n v. De La Cuesta;  
458 U.S. 141, 153, (1982), Page 6.
- .Arizona vs. United States, 567 U.S. 387 (2012), Page 6.
- .Bd. of Regents vs. Roth, 408 U.S. 564 (1972); Page 6.
- .Ghillihan vs. Shillinger, 872 F.2d 935, (10th Cir. 1989).
- .Brooklyn Savings Bank v. O'Neil, 324 U.S. 697 (1945), Page 7.
- .Lynn's Food Stores Inc. v. United States, 679 F.2d 1350 (11th Cir. 1982). Page 7.

### Statutes and Regulations

- .S.C. Code § 24-3-430
- .18 U.S.C. § 1761 (c)

### Other Authorities

- .U.S. Constitution Art. VI, cl. 2. (Supremacy Clause).
- .Act No. 192 (2024) Amending S.C. Code § 24-3-430.

## STATEMENT OF ISSUES ON APPEAL

1.) Whether the Administrative Law Court erred as a matter of law in dismissing Appellant's appeal by holding that state statutory amendments restricting inmate wages to federal minimum wage supersede and nullify federal Prison Industry Enhancement Certification Program (PIECP) requirements, in violation of the Supremacy Clause.

2.) Whether retroactive application of amended wage statutes to inmates already participating in PIECP violates constitutional prohibitions against retroactive legislation and impairs vested rights.

3.) Whether SCDC acted ultra vires by implementing wage reductions inconsistent with federal PIECP mandates while continuing to operate under PIECP certification.

## STATEMENT OF CASE

This appeal arises from the final decision of the South Carolina Administrative Law Court granting Respondent South Carolina Department of Corrections' Motion to dismiss. Appellant is an inmate participant in a Prison Industry Enhancement Certification Program (PIECP) enterprise operated by SCDC pursuant to federal authorization under 18 U.S.C. § 1761 (c).

After Appellant and similarly situated inmates entered PIECP employment governed by federal prevailing-wage requirements, the South Carolina Legislature enacted amendments purporting to limit inmate compensation to federal minimum wage. SCDC implemented these amendments retroactively against existing PIECP participants.

Appellant exhausted all available remedies, administratively, and timely filed an appeal to the Administrative Law Court. The ALC dismissed the appeal, holding that federal labor statutes do not apply to inmate workers and that statutory amendments governed SCDC's conduct.

This Appeal Followed...

## STATEMENT OF FACTS

Appellant was continuously employed as an Administrative Clerk in the Prison Industry Enhancement Certification Program, (PIECP), A prior settlement resolved wage claims only for the period 05/17/2018 through 04/11/2024. Appellant filed a new grievance on 11/25/2024, seeking wages owed from 04/11/2024 through present date.

On May 21, 2024, the South Carolina General Assembly enacted Act No. 192, amending S.C. Code § 24-3-430 to require only federal minimum wage for inmates. SCDC asserts this new statute supersedes federal PIECP prevailing-wage requirements.

Appellant contends that SCDC's attempt to apply the amended statute to an active PIECP program violates federal law.

## ARGUMENT

PIECP is a federally created program that expressly conditions state participation on compliance with enumerated requirements, including payment of prevailing-wage, 18 U.S.C. § 1761 (c). States may elect to participate or withdraw, but may not selectively disregard mandatory conditions while retaining certification.

The ALC's reliance on cases holding that generally applicable federal labor laws do not extend to inmate workers is misplaced. PIECP obligations arise not from general labor statutes but from a voluntary federal certification regime that preempts conflicting state law under the Supremacy Clause.

The Supremacy Clause of the United States Constitution provides that federal law "shall be the supreme law of the land." U.S. Constitution. Art. VI, cl. 2. When state law conflicts with federal law, it is preempted and has no effect, See Fidelity Fed. Sav. & Loan ass'n v. de la Cuesta, 458 U.S. 141, 153, (1982); Arizona vs. United States, 567 U.S. 387 (2012).

Because prevailing-wages are a mandatory condition of federal law and participation in PIECP, Appellant has a legitimate expectation and statutory entitlement to those wages. See Bd. of Regents v. Roth, 408 U.S. 564 (1972); Ghillihan v. Shillinger, 872 F.2d 935 (10th Cir. 1989).

#### RETROACTIVE APPLIATION OF THE STATUTORY AMENDMENTS IS UNLAWFUL

Even if prospective application were permissible, retroactive reduction of wages for inmates already employed under PIECP violates settled prohibitions against retroactive legislation affecting vested rights. Appellant relied on existing wage terms in accepting and continuing PIECP employment.

#### SCDC'S ACTIONS WERE ULTRA VIRES

By continuing to operate PIECP industries while refusing to comply with prevailing-wage mandates, SCDC exceeded its lawful authority. An agency may not invoke state law to justify conduct that places the State in violation of federal certifications conditions.

SCDC asserts that a prior back wage settlement bars Appellant from seeking future wages. This is incorrect as a matter of law. A settlement agreement cannot waive claims for wages not earned unless expressly stated such as waiver, which is not the case here. Further the enacted was not mentioned when the settlement was made and agreed to nor was it considered as part of the agreement. See Brooklyn Savings Bank v. O'Neil, 324 U.S. 697 (1945); Lynn's Food Stores, Inc. v. United States, 679 F.2d 1350 (11th Cir. 1982).

#### CONCLUSION

For the forgoing reasons, Appellant respectfully requests that this Honorable Court reverse the decision of the Administrative Law Court and remand with instructiuons that SCDC comply with federal PIECP wage requirements or withdraw from the program.

Respectfully Submitted

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January 8, 2026