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SC Court of Appeals

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Alvin Tate, #240561,

Appellant,

v.

South Carolina Department of Corrections,

Respondent.

Docket No. 25-ALJ-04-0743-AP
Grievance No. TYRCI 0621-24

ORDER

This matter is before the South Carolina Administrative Law Court (ALC or Court) pursuant to the Notice of Appeal filed on October 31, 2025, by Alvin Tate (Appellant), an inmate incarcerated with the South Carolina Department of Corrections (Department or SCDC). This case was assigned to the undersigned on November 13, 2025.

On July 23, 2024, Appellant filed a Step 1 Grievance, asserting that he was not paid the prevailing wage for work completed in the prison industries program from February 2019 to July 23, 2022. Appellant's grievance was elevated to the Step 2 level. On October 1, 2025, the Department denied Appellant's Step 2 grievance on the grounds that Appellant's claim is barred because Appellant failed to exhaust all administrative remedies and is untimely under S.C. Code Ann. § 15-3-530 and SCDC Policy ADM-15.13.¹ This appeal followed. On January 14, 2026, the Department filed a Motion to Dismiss (Motion), asserting that Appellant's claim is untimely. On January 22, 2026, Appellant filed a response to the Motion. On February 24, 2026, this Court issued an Order denying the Motion and issuing a briefing schedule. On April 15, 2026, the Department filed a Brief and Motion to Dismiss. On April 29, 2026, Appellant filed a Reply Brief.

DISCUSSION

The Court's jurisdiction to hear this matter is derived from the decision of the South Carolina Supreme Court in *Al-Shabazz v. State*, 338 S.C. 354, 527 S.E.2d 742 (2000). Furthermore, in *Wicker v. South Carolina Department of Corrections*, the Supreme Court clarified 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

¹ The Court takes judicial notice of the Department's publicly available policies. See Rule 201, SCRE.

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record of the ARTSM reference number. The inmate pay designee will review the case and determine whether any additional pay is owed... If the inmate fails to notify the Agency in writing and within 15 days, no back pay will be given.”

To exhaust his administrative remedies before filing an appeal with this Court, Appellant must file and receive a response to a Step 2 Grievance. Specifically, Appellant filed a Step 1 Grievance without first attempting to informally resolve his issue. SCDC Policy GA-01.12, section 13.2 indicates that inmates must make an effort to informally resolve a grievance by submitting a Request to Staff Member to the appropriate SCDC staff. Appellant did not do so and instead filed a Step 1 Grievance on July 23, 2024.² Although the Department argues that Appellant’s claim is untimely under S.C. Code Ann. § 15-3-530, the Court is dismissing this matter on alternate grounds. Consequently, because Appellant failed to exhaust all administrative remedies at the Department level, the ALC lacks jurisdiction to review this matter.

ORDER

IT IS THEREFORE ORDERED that the Department’s Motion is **GRANTED**, and this appeal is **DISMISSED WITH PREJUDICE**.

AND IT IS SO ORDERED.

Crystal M. Rookard

The Honorable Crystal M. Rookard
South Carolina Administrative Law Judge

August 14, 2026
Columbia, South Carolina

² Even if the Step 1 Grievance were a sufficient report of the alleged payroll error, Section 12.1 independently limits recovery to “the previous two (2) pay periods only.”

wage, it cannot thereafter deny that right without affording due process of law.”). In *Adkins v. South Carolina Department of Corrections* and *Wicker*, the Supreme Court held that Prison Industries inmates have no private civil right of action to recover prevailing wages under section 24-3-430(D), but recognized that “[t]here are numerous issues relating to inmates which, although not giving rise to a private, civil cause of action, are nonetheless grievable through DOC’s internal grievance processes.” *Wicker*, 360 S.C. at 423, 602 S.E.2d at 57; see *Adkins v. S.C. Dep’t of Corr.*, 360 S.C. 413, 602 S.E.2d 51 (2004). The Court accordingly held that although the inmate had “no claim for civil damages, he properly filed a grievance with the DOC.” *Wicker*, 360 S.C. at 424, 602 S.E.2d at 57. However, in *Slezak v. South Carolina Department of Corrections*, our Supreme Court explained that while the ALC has jurisdiction over properly filed inmate grievance appeals, summary dismissal is appropriate “where the inmate’s grievance does not implicate a state-created liberty or property interest.” 361 S.C. 327, 331, 605 S.E.2d 506, 508 (2004). Recently, the court further clarified that while the ALC has jurisdiction over all inmate grievance appeals, it is “not required to hold a hearing in every matter and may summarily dismiss an inmate’s grievance if it does not implicate a state-created liberty or property interest sufficient to trigger procedural due process guarantees.” *Allen v. S.C. Dep’t of Corr.*, 439 S.C. 164, 170-71, 886 S.E.2d 671, 674 (2023).

Further, section 1-23-380 of the South Carolina Code provides “[a] party who has exhausted all administrative remedies available within the agency and who is aggrieved by a final decision in a contested case is entitled to judicial review...” S.C. Code § 1-23-380 (2005 & Supp. 2025); see *Al-Shabazz v. State*, 338 S.C. 354, 376, 527 S.E.2d 742, 754 (2000) (“An inmate may, however, seek review of the Department’s final decision by an ALJ in a non-collateral or administrative matter.”); see also *Bennett v. S.C. Dep’t of Corr.*, 305 S.C. 310, 313, 408 S.E.2d 230, 231-32 (1991) (explaining that an administrative agency has the exclusive right to decide issues before it, subject only to appeal for judicial review of its decision following the exhaustion of administrative remedies).

In this instance, Appellant filed Step 1 and Step 2 Grievances with the Department, and the Department denied them pursuant to SCDC Policy ADM-15.13, section 12.1. Section 12.1 states in relevant part:

“Inmates must report any problems in their pay to their institution's inmate pay designee in writing and utilizing the Automated Request to Staff Member (ARTSM) within 15 days of the payroll date error. The inmate should maintain a

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CERTIFICATE OF SERVICE

I, Ryan T. Kowalski, 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).



Ryan T. Kowalski
Staff Attorney

August 14, 2026
Columbia, South Carolina