

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

APPEAL FROM THE ADMINISTRATIVE LAW COURT  
The Honorable John D. McLeod

← Brian Wortman, 248915, Appellant,

v.

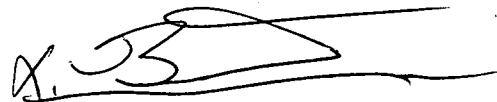
South Carolina Department of Corrections, Respondent

Pocket No. 14-ALS-04-0175-AP  
Cite. No. MCCL-0569-13

Notice of Appeal

I, Brian Wortman, appeal the order of the Honorable John D. McLeod dated 3/03/14, attached & the 3/10/14 motion for reconsideration, attached.

3/23/14, SC  
dated



Brian Wortman  
# 248915 SMU B-18  
-386 Redemption Way  
McCormick, SC 29889

RECEIVED

APR 03 2014

SC Court of Appeals

STATE OF South Carolina  
ADMINISTRATIVE LAW COURT

Brian Wortman,  
Appellant

v.

SCDC,  
Respondent

Docket No. 14-ALJ-0175-AP  
Motions for Reconsideration

are Prohibited.

Motion For Reconsideration  
See ALC Rule 65.

Honorable John D. McLeod

I, the pro se Appellant, Brian Wortman, hereby moves this court for reconsideration under ALC Rule 29(D) & states:

1. LAW The ALC rules contemplate a "motion For Reconsideration" under ALC rule 29(D). Motion For Reconsideration. Any party may move for reconsideration of a final decision of an administrative law judge in a contested case. See Home Medical Systems Inc. v. South Carolina Dept. of Revenue, 382 S.C. 556, 677 S.E.2d 582 (S.C. 2009)

2. Argument. Appellant cites Sandin v. Conner, 515 U.S. 472-115 S.Ct. 2293 (1995) contending that there is a state created liberty interest implicated where appellant was sanctioned 360 days disciplinary detention. 360 days disciplinary detention time is an atypical & significant hardship in either duration or restriction in relation to ordinary incidents of prison life.

3. Therefore, I move for reconsideration where the ALC dismiss holding that the grievance does not implicate a state created liberty or property interest. 360 days disciplinary detention implicate a state created liberty interest.

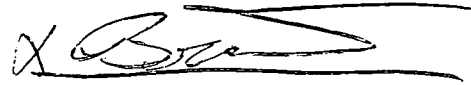
4. wherefore, I pray reconsideration is granted.

3-10-14, SC  
dated

**FILED**

MAR 12 2014

SC ADMIN. LAW COURT

  
Brian Wortman  
#248915 SIMU 13-18  
386 Redemption Way  
McCormick, SC 29899

Certificate of Service  
I hereby certify I served a copy of this on: General Counsel; 4444 Broad River Rd, Columbia, SC 29210

STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT

Brian Wolfman

Appellant,

vs.

South Carolina Department of Corrections,

Respondent.

NOTICE OF APPEAL

DOCKET NO. ALJ-04  
GRIEVANCE NO.: MECF 0569-13

Notice is hereby given that Brian Wolfman does hereby appeal the final decision of the South Carolina Department of Corrections dated 1/19/14 and received on 1/27/14, a copy of which is attached. A general statement of the grounds for appeal is (See S.C. Code Ann. § 1-23-380(A)(6)):

Appellant requests the ALJ to Rule on the constitutionality of DHO/Glendon's rule of not allowing live testimony of any inmate. MOREOVER, appellant has a liberty interest, where the right to call witnesses in ones defense is a cornerstone of due process, it is a basic to the fairness of a hearing. Glendon gave no explanation for refusing to allow the witnesses to appear. Evidence in the record indicates that Glendon's decision is clearly erroneous, or arbitrary, capricious, & characterized by an abuse of discretion. The ALJ should remand to allow appellant to listen to the DHO's tape

Brian Wolfman #246915  
Appellant's Name

[Signature]  
Signed

386 Redemption Way SIMULB-18  
Mailing Address

2/10/14  
Dated

McCormick SC 29899  
City, State, Zip Code

CERTIFICATE OF SERVICE

I hereby certify that I, B. Wolfman (your name), on the 10 day of February, 2014, in McCormick (city), South Carolina, served a copy of the foregoing Notice of Appeal on all parties to this matter by depositing the same in the United States Mail, postage paid, or in the mail room of the undersigned's institution and addressed as follows:

Name of person/Agency served: General Counsel

Address: 4444 Broad River Rd.

City, State, Zip Code: Columbia, SC 29210

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APR 03 2014

SC Court of Appeals

Print your name Sign your name  
(See reverse side for instructions)

Brian Wolfman

[Signature]

Instructions for filing an appeal of the final agency decision from the South Carolina Department of Corrections:

- 1) You must complete the **Notice of Appeal** on the reverse side of these instructions and mail it to the Administrative Law Court at the following address:

**Clerk's Office  
South Carolina Administrative Law Court  
1205 Pendleton Street, Suite 224  
Columbia, SC 29201**

A copy of the Notice of Appeal must also be forwarded to the Office of General Counsel at the Department of Corrections.

- 2) **In order for your case to be processed by the ALC, a copy of the final decision from the Department of Corrections must be attached to the Notice of Appeal.**

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

Appeal From THE ADMINISTRATIVE LAW COURT

The Honorable John D. McLeod

Brian Wortman, 248915, Appellant

V.

South Carolina Department of Corrections, Respondent

Docket No. 14-ALJ-04-0175-AP

Grie. No. MCLE-0569-13

Proof of Service

I hereby certify that I served a copy of: 1.) this, 2.) notice of Appeal, 3.) IN FORMA PAUPERIS motion, 4.) (ALC) notice of Appeal, 5.) (ALC) ORDER, & 6.) (Prohibited) motion For Reconsideration, on: General Counsel; 4444 Broad River Rd, Columbia, SC 29210, & Admin. Law Court Edgar A. Brown Bldg, 1205 Pendleton St. Ste. 224, Columbia SC 29201

3/23/14, SC  
dated

X. Wortman  
# Brian Wortman  
# 248915 SMU B-18  
# 386 Redemption Way  
McCormick, SC 29899

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APR 03 2014

SC Court of Appeals

S.C. COURT OF Appeals

P.O. Box 11629

Columbia, SC 29211-1629

Re: Brian Wortman v. SCDC,

(ALC) Docket No. 14-ALJ-04-0175-AP

Grie. No. MCCI-0569-13

Dear Clerk,

Enclosed For your Filing is a PROOF of Service,  
Notice of Appeal, IN FORMA PAUPERIS Motion, (ALC) Notice of  
Appeal, (ALC) ORDER & (Prohibited) Motion For Reconsideration.

Please provide me a case number & a Stamp/Filed copy  
of same

3/23/14, SC

dated

Thank you

Brian Wortman

248915 smu B-18

386 Redemption Way

McCormick, SC 29899

Brian Wotman 248915  
386 Redemption way  
McCormick, SC 29899  
SMU B-18

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APR 03 2014

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SC Court of Appeals

MAR 31 2014

MCCI  
MAIL ROOM

SC. Court of Appeals  
P.O. BOX 11629  
Columbia, SC 29211-1629