

Since the Al-Shabazz decision, this court's jurisdiction over inmate appeals has been refined by the South Carolina Supreme Court, the South Carolina Court of Appeals, and the General Assembly. Most recently, the South Carolina Supreme Court clarified this jurisdiction in Howard v. South Carolina Department of Corrections, 399 S.C. 618, 733 S.E.2d 211 (2012). In Howard, the Court discussed its prior decision in Furtick v. South Carolina Department of Corrections, 374 S.C. 334, 649 S.E.2d 35 (2007). The Court also discussed the General Assembly's amendment to § 1-23-600(D), which was introduced and passed subsequent to the Furtick decision and limited this court's jurisdiction as follows:

An administrative law judge shall not hear an appeal from an inmate in the custody of the Department of Corrections involving the loss of the opportunity to earn sentence-related credits pursuant to Section 24-13-210(A) or Section 24-13-230(A)....

S.C. Code Ann. § 1-23-600(D) (Supp. 2012).

Due to the timing and the wording of the language amending the statute, the Court interpreted that this amendment was the legislature's response to the Furtick decision and memorialized the General Assembly's support of the dissenting opinion in Furtick. As such, the Court overruled Furtick and adopted the dissent's reasoning that the loss of the opportunity to earn sentence-related credits does not implicate a state-created liberty interest. The Court also held the Administrative Law Court "may summarily dismiss an inmate appeal that involves only the loss of the opportunity to earn sentence-related credits." Howard, 399 S.C. at 630, 733 S.E.2d at 218 (emphasis in original). However, if a state-created liberty or property interest is implicated, the Administrative Law Court may not summarily decline to hear an inmate appeal simply because it also happens to involve the loss of the opportunity to earn sentence-related credits.

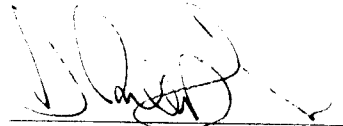
When reviewing the Department's decisions in inmate grievance matters, the court sits in an appellate capacity. Id. at 756. Consequently, the review in these inmate grievance cases is limited to the Record presented.

It is undisputed that this case does not involve the loss of any accrued good-time credits, the calculation of the Appellant's sentence, or the Appellant's custody status. Because the Appellant only complains of the loss of an opportunity to earn good-time credit and S.C. Code § 1-23-600(D) specifically prohibits administrative law judges from hearing cases involving the

loss of only the opportunity to earn good-time credit, this case should be dismissed.

Based on the foregoing, it is hereby **ORDERED** that the Department's Motion to Dismiss is **GRANTED** and this appeal is **DISMISSED**.

AND IT IS SO ORDERED.



S. Phillip Lenski
Administrative Law Judge

June 20, 2014
Columbia, South Carolina