

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Matthew Fullbright, #349468,

Appellant,

vs.

South Carolina Department of Corrections,

Respondent.

Docket No. 13-ALJ-04-0926-AP

Grievance No. LCI 1590-13

ORDER OF REMAND RECEIVED
AUG 18 2014
SC Court of Appeals

This matter is before the Administrative Law Court ("ALC") pursuant to the Notice of Appeal filed by Matthew Fullbright ("Appellant"), an inmate incarcerated with the South Carolina Department of Corrections ("SCDC"). The Appellant filed a Step One Grievance on November 10, 2013, which requested the same action as found in Grievance No. LCI 1552-13.¹ Grievance No. LCI 1552-13 was returned to Appellant on November 4, 2013 for failure to attach the answered Request to Staff Form. The grievance in this Appeal, Grievance No. LCI 1590-13, was returned to Appellant unprocessed on November 12, 2013 with the instructions to re-file with corrections. The Appellant was informed, through the returned Grievance, that the unprocessed Grievance "may be appealed, utilizing SCDC Form 19-11 'Inmate Request to Staff Member', to the Branch Chief within ten (10) days of the grievance being returned to the inmate."

The ALC dismissed the case on April 8, 2014 for Appellant's failure to exhaust all administrative remedies prior to filing this appeal. Appellant filed a Motion to Reinstate on April 17, 2014, which was granted on April 24, 2014. The ALC granted Appellant's Motion because the Appellant was not given ten (10) days to respond to Respondent's Motion to Dismiss as required by ALC Rule 63.

The Appellant claims that his grievance qualifies as an 'emergency grievance'. However, according to SCDC Policy GA-01.02 § 14.1, "[a]n emergency will encompass, but is not limited to, situations, actions, or conditions in which any person's health, safety, or welfare is threatened or in serious danger." The Appellant states that he has his underlying criminal case before the

¹ In Grievance No. LCI 1552-13, Appellant requested that "all seized documents be returned to me immediately and that all copies thereof in the possession of SCDC General Counsel and the SC Attorney General's Office be destroyed and the originals secured and sent to me."

FILED

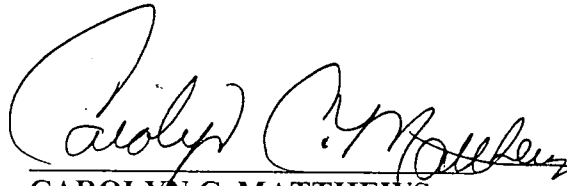
MAY 27 2014

SC ADMIN. LAW COURT

South Carolina Court of Appeals and needs access to his complete record in order to effectively argue his case to the Court of Appeals. Appellant contends that “[h]olding and withholding papers” he needs for his appeal rises to the level of an ‘emergency grievance’. While the Court does understand that the case before the Court of Appeals is a matter of utmost importance to the Appellant, the allegations of withholding papers does not meet the level of an ‘emergency grievance’ as the Appellant’s health, safety, or welfare is not being threatened. Although the grievance filed by the Appellant does not rise to an ‘emergency grievance’, the issue does require a prompt conclusion. Therefore, to expedite the situation, the ALC will remand the grievance as a Request of Staff to Ann Hallman, Branch Chief of Inmate Grievance, to determine what papers and discovery Appellant is entitled to. A timely decision is necessary to make certain the Appellant has access to everything he is entitled to, in order to allow him the ability to proficiently argue his case to the Court of Appeals.

IT IS THEREFORE ORDERED that this matter is **REMANDED** as a Request of Staff to Ann Hallman, Branch Chief of Inmate Grievance, to determine what papers and discovery Appellant is entitled to.

AND IT IS SO ORDERED.


CAROLYN C. MATTHEWS
Administrative Law Judge

May 21, 2014
Columbia, South Carolina

CERTIFICATE OF SERVICE

This is to certify that the undersigned has this date served this order in the above entitled action upon all parties to this cause by depositing a copy hereof, postage paid, in the United States mail addressed to the party(ies) or their attorney(s).

This 21st day of May 2014

BY Nickel
Judicial Law Clerk