



to Dismiss on December 5, 2014. Appellant filed a response to the Motion to Dismiss on December 29, 2014.

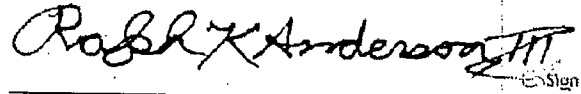
The Department moves to dismiss this case based upon the provisions of S.C. Code Ann. §1-23-600(D); the holding in *Howard v. S.C. Dep't of Corr.*, 399 S.C. 618, 733 S.E.2d 211 (2012); and because Appellant did not lose any good time as a result of the conviction. In response, Appellant objects to the Motion to Dismiss, claiming that there were five reasons for his appeal, and that the Department could not choose one issue to seek dismissal of the case. Appellant asserts that he is entitled to a full evidentiary review of this case.

S.C. Code Ann. § 1-23-600(D) (Supp. 2014) provides that “[a]n 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). . . .” Because this Court does not have jurisdiction to hear an inmate’s appeal regarding the loss of the opportunity to earn sentence-related credits, this Court must dismiss that portion of the appeal.

As for the remaining issues in this appeal, 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). In *Al-Shabazz*, the Court held that the ALC’s jurisdiction in inmate appeals is limited to state-created liberty interests, typically involving: (1) cases in which an inmate contends that prison officials have erroneously calculated his sentence, sentence-related credits, or custody status; and (2) cases in which an inmate has received punishment in a major disciplinary hearing as a result of a serious rule violation. *Id.* at 382; 527 S.E.2d at 757.<sup>2</sup> In *Slezak v. S.C. Dep’t of Corr.*, 361 S.C. 327, 331, 605 S.E.2d 506, 507 (2004), the South Carolina 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.” Because the Appellant has not otherwise alleged a deprivation of a state-created liberty or property interest in this matter, the Court finds *Slezak, supra* to be controlling as to the remainder of the appeal. Accordingly,

<sup>2</sup> In *Sullivan v. S.C. Dep’t of Corr.*, the South Carolina Supreme Court also found that other conditions of confinement could potentially implicate a state-created liberty interest. However, those interests are “generally limited to freedom from restraint which . . . imposes atypical and significant hardship on the inmate in relation to the ordinary incidents of prison life.” 355 S.C. 437, 586 S.E.2d 124 (2003) (quoting *Sandin v. Conner*, 515 U.S. 472, 484 (1995)); see also *Furtick v. S.C. Dep’t of Probation, Parole and Pardon Servs.*, 352 S.C. 594, 576 S.E.2d 146 (2003).

**IT IS HEREBY ORDERED** that this appeal is **DISMISSED WITH PREJUDICE.**  
**AND IT IS SO ORDERED.**

A handwritten signature in cursive script that reads "Ralph King Anderson, III". The signature is written in black ink and is positioned above a horizontal line.

---

Ralph King Anderson, III  
Chief Administrative Law Judge

February 9, 2015  
Columbia, South Carolina

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CERTIFICATE OF SERVICE

I, E. Harvin Belser Fair, 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, in the Interagency Mail Service, or by electronic mail, to the address provided by the party(ies) and/or their attorney(s).

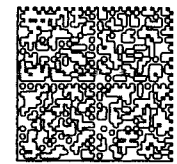
*E. Harvin Belser Fair*


E. Harvin Belser Fair  
Judicial Law Clerk

February 9, 2015  
Columbia, South Carolina

David Dwight Smith, SCDC#245760  
Evans Correctional Institution-  
610 HWY 9 WEST / F3A 185  
Bennettsville, SC 29512-213010

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