

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Heyward Leon Rogers, #278510,
Appellant,
vs.
South Carolina Department of Corrections,
Respondent.

Docket No. 15-ALJ-04-00087

ORDER OF DISMISSAL

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JUL 09 2015
SC Court of Appeals

This matter is before the South Carolina Administrative Law Court (ALC or Court) pursuant to the Notice of Appeal filed by the above named Appellant, Heyward Leon Rogers, who is incarcerated with the South Carolina Department of Corrections (SCDC). The Appellant filed a Step One Grievance on September 16, 2014, requesting reimbursement in his Cooper Trust Account for funds taken for restitution. This grievance was investigated and denied. The Appellant filed a Step Two Grievance on October 29, 2014, and, according to the SCDC in its Motion to Dismiss, that grievance is still being investigated and has not been processed.

The Notice of Appeal does not contain a copy of a final decision of SCDC which is the subject of the appeal as required by ALC Rule 59(C). The Respondent filed a Motion to Dismiss in this case, and indicated that the Appellant's Step Two Grievance is still being investigated, and that the Appellant has failed to properly exhaust the remedies available to him within SCDC, thereby allowing SCDC to investigate the facts.

By failing to obtain a final decision from SCDC, the Appellant has failed to exhaust his administrative remedies and has thus failed to meet the requirements of the Administrative Procedures Act for review by this Court: "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 pursuant to this article and Article I. § 1-23-380, S.C. Code of Laws, Annotated." (Emphasis added).

Thus, this matter is not properly before this Court. Therefore,

IT IS ORDERED that this appeal be and hereby is **DISMISSED, WITH PREJUDICE.**

Case was exhausted 6/4/15, prior
to this order of dismissal.
7/1/15

FILED

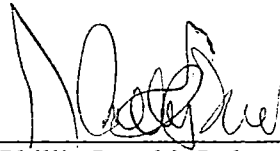
JUN 09 2015

SC ADMIN. LAW COURT

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CLERK OF COURT

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SOUTH CAROLINA
COURT ADMINISTRATION



S. Phillip Lenski, Judge
S.C. Administrative Law Court

June 9, 2015
Columbia, South Carolina

FILED

JUN 09 2015

SC ADMIN. LAW COURT

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, in the United States Mail, postage paid, or in the Interagency Mail Service addressed to the party(ies) or their attorney(s).

This 9th day of June 2015

By:  _____

Judicial Law Clerk

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JUL 08 2015

**SOUTH CAROLINA
COURT ADMINISTRATION**

**SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM**

Due: 11/3/14

STEP 2

INMATE NAME: Hayward L. Rogers
 SCDC NUMBER: 278516
 INSTITUTION: PERRY CORR. INST.
 HOUSING UNIT: Q2-B221
 WORK ASSIGNMENT: Education

RECEIVED
 NOV 10 2014
 OCT 31 2014

Office Use Only
 Grievance No. PCI 1095-14
 Code: General MU/BM
 Policy _____
 Disc. Hear. _____
 Class. _____
 Date Received 11/3/14
 IGC Initials JP

INMATE'S REASON FOR APPEAL (state specific dissatisfaction): Im appealing The warden's decision on 10/13/14 because he did not know all The Facts: I owed SCDC about 4,500. I Received a money order for \$30.40 in July 16, 2014. because I am indigent \$6.43. was suppose to be left in my Cooper account, but medical mistakenly took \$5.02, leaving me with only \$1.41. To spend at The canteen. medical should NOT have taken The \$5.02. From my account since restitution was paid with The 23.97. Financial accounting ms. Rucker verifies that medical took The \$5.00 by error, see Kiosk 10.114-294948 (10/21/2014); 14-241980 (10/21/2014). I had a copy of The Financial certificate from SCDC HQ. showing The \$5 Placed back in my account, but I had to mail That certificate to U.S. District Court. since medical took The \$5 from The \$6.43. ~~by mistake~~ by mistake, Please fund The \$5.

Hayward L. Rogers, 10/29/14
 Grievant Signature Date

RESPONSIBLE OFFICIAL'S DECISION AND REASON:

 Signature Date

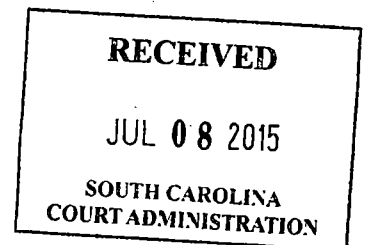
The decision rendered by the responsible official exhausts the appeal process of the Inmate Grievance Procedure. I hereby acknowledge receipt of the official's response and understand this is the Agency's final response to this matter.

 Grievant Signature Date IGC Signature Date

(SEE REVERSE SIDE FOR INSTRUCTIONS)

INSTRUCTIONS FOR COMPLETING STEP 2 GRIEVANCE FORM

1. Complete form in its entirety, writing only in the space provided for inmate use.
2. State your specific reason for further appeal. Do not submit any new issues for review.
3. Submit this completed form with your original Step 1 attached, to the Institutional Grievance Coordinator within five (5) days of your receipt of the Warden's decision. Do not write in the space provided for the responsible official.
4. The decision rendered by the responsible official exhausts the appeal process of the SCDC Inmate Grievance Procedure.



SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

INMATE GRIEVANCE FORM

STEP 1

INMATE NAME: <u>Wayward L. Rogers</u>	OFFICE USE ONLY
SCDC NUMBER: <u>228510</u>	Grievance No. <u>PCT-1095-14</u>
INSTITUTION: <u>PERRY CORR. INST. SEP 17 2014</u>	Code: General <u>MY/BM</u>
HOUSING UNIT: <u>Q2-B221</u>	Policy _____
WORK ASSIGNMENT: <u>Education</u>	Disc. Hear. _____
	Class. _____
	PREA _____
	Date Received <u>9/26/14</u>
	IGC Initials <u>WR</u>

STATEMENT OF GRIEVANCE (Indicate the date of incident, and if the grievance is a challenge to SCDC Policy, specify which policy. Include supporting documentation and attach answered RTSM or Kiosk reference number.) on July 16, 2014 I Received a money order for \$30.40. Pursuant to SCDC Adm. Policy if a SCDC inmate owes Restitution to the State any funds the inmate owes to the State must be paid, and any amount the inmate receives above \$6.43 must be paid towards the Restitution the inmate owes. out of the \$30.40 that I received \$6.43 should have not been touched and should have been a balance of \$6.43 to my account. There was only \$1.41 left in my account to spend at the canteen, and nobody knows where the \$5.02 went to. This violates S.C.D.C. Policy, and the \$6.43 should have not been used for anything, since no funds has been added to my account since the \$30.40. money order of 7/16/14.

Wayward L. Rogers 9-16-14
Grievant Signature Date

ACTION REQUESTED: That the \$5.02 be refunded, because by SCDC Policy I was allowed to have \$6.43 of the money order for \$30.40 per policy.

ACTION TAKEN BY IGC: PROCESSED UNPROCESSED OTHER

See reverse side for wardens decision.

J. Powe 10/1/14
IGC Signature Date

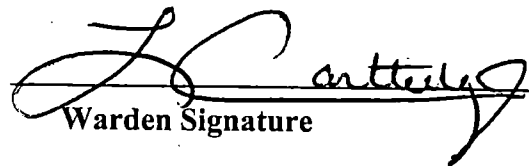
(CONTINUE ON REVERSE SIDE)

WARDEN'S DECISION AND REASON:

Inmate Rogers #278510;

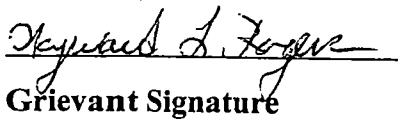
This is in response to PCI-1095-14. All pertinent information and documentation has been reviewed. After reviewing your E.H. Cooper Account, it was found that you have a balance of \$6.10 as of 10/1/14. There was a canteen purchase made for \$1.41 on 8/20/14 which was withdrawn from your account.

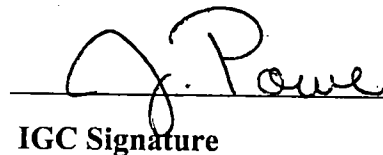
Based on this information, your action requested is denied. If not satisfied with my response, see Step 5 below.


Warden Signature 10/1/14
Date

I accept the Warden's decision and consider the matter closed.

I do not accept the Warden's decision and wish to appeal.

 10/29/14
Grievant Signature Date

 10/29/14
IGC Signature Date

INSTRUCTIONS FOR COMPLETING STEP 1 GRIEVANCE FORM

1. An informal resolution shall be attempted prior to the filing of Step 1 by sending an Inmate Request to Staff Member (RTSM) form or Kiosk reference number to the appropriate supervisor. A copy of the answered RTSM must be attached to the grievance when the grievance is filed.
2. Complete each section in its entirety writing only in the space provided for inmate use. No additional pages will be permitted.
3. Only one (1) issue is to be addressed on each form.
4. Submit the completed form by placing it in the Grievance Box at your institution within eight (8) working days of the date on the RTSM response; policy grievances can be filed at any time. Disciplinary and Classification Review appeals must be submitted within five (5) working days of the hearing/review. Do not write in the space provided for the Warden's response.
5. If you are not satisfied with the Warden's decision, you may appeal to the appropriate responsible official within five (5) days of your receipt of the Warden's decision, by placing your Step 2 appeal form in the Grievance Box at your institution.

**SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
REQUEST TO STAFF MEMBER**

TO: NAME: <i>Ms. Burgess</i> TITLE:	DATE:
<i>Ms. Bishop - Medical</i>	<i>OCTober 28, 2014</i>
INMATE'S NAME:	SCDC #:
<i>Harvard L. Rogers</i>	<i>278510</i>
INSTITUTION:	LIVING QUARTERS:
<i>P.C.I.</i>	<i>Q2-B221</i>

I arrived at PCI on July 21, 2014 From
McBORMICK CORR. INST. at That Time in
CURRENTLY my STATUS is Listed as indigent.
Medical mistakenly Took \$5.00 From my account.
Please put The \$5.00 back.

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Harvard L. Rogers

OCT 28 2014

PERRY MEDICAL RECORDS

DISPOSITION BY STAFF MEMBER:

A medical copay for sick call
in the amount of \$5.00 was
charged 07/24/14. You were seen
in sick call on this date.

DATE: <i>10/28/14</i>	SIGNATURE: <i>K. Burgess, RN</i>
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JUL 08 2015

**SOUTH CAROLINA
COURT ADMINISTRATION**

**SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
REQUEST TO STAFF MEMBER**

TO: NAME:	TITLE:	DATE:
MR HARPER - medical		September 8, 2014
INMATE'S NAME:		SCDC #:
Hayward L. ROGERS		278510
INSTITUTION:		LIVING QUARTERS:
P.C.I.		Q2-B221

I was advised by ASST. Warden CLAYTON to send you this paper request to staff.

~~On~~ on July 16, 2014, I received a money order for \$30. AFTER I was transferred to P.C.I. on 7-21-14, and went to canteen I had only \$1.43 to spend, where is the \$5? because I am indigent and owe the state, and funds I receive above \$6.43, must go towards what I owe the state, but the \$6.43 should not be touched, but for some reason in my case the \$5.00-\$6 of it is reflected as being paid for restitution and it should not have been, please check the error and refund the \$5.00-\$6 back to my account.

Sincerely,
Hayward L. Rogers

DISPOSITION BY STAFF MEMBER:

Mr. Rogers

1. You owe \$444.32 as of 9/12.
2. I see that you have \$6.10 in your canteen and have spent 1.41 at the canteen. Total 7.51 after \$5.00 deduct
3. You are not due any refund.

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SEP 8

Perry Medical Records

DATE:

SIGNATURE:

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11 11 11

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JUL 08 2015
SOUTH CAROLINA
COURT ADMINISTRATION

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE FINANCIAL SYSTEM
CONFIDENTIAL INFORMATION FOR ADDRESSEE ONLY

NOTICE TO: 00278510
HEYWARD LEON ROGERS
0181 MCCORMICK CORR INST
B0084A

=====

THE FOLLOWING DEPOSITS AND/OR MONEY
ORDERS HAVE BEEN ADDED TO YOUR
E H COOPER ACCOUNT

DATE	RECEIVED FROM	ITEM RECEIVED	AMOUNT
07/16/14	MCCORMICK CORRECTION	DEPOSIT	30.40

YOUR E H COOPER CURRENT BALANCE IS: 30.40
BALANCE DOES NOT REFLECT RESTITUTION DEDUCTIONS
IF ANY, DEDUCTED AT START OF REPORT DATE.

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COURT ADMINISTRATION