

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

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SC Court of Appeals

William Ford, #232122,)
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Appellant,)
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vs.)
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South Carolina Department of Corrections,)
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Respondent.)
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_____)

Docket No. 15-ALJ-04-001-AP

ORDER OF DISMISSAL

This matter is before the South Carolina Administrative Law Court (ALC or court) pursuant to the Notice of Appeal filed by the Appellant, who is incarcerated with the South Carolina Department of Corrections (Department). The Appellant does not appeal a disciplinary matter, but appeals the denial of his Step 2 grievance in which he seeks judicial review of alleged wrongdoing by Department employees that occurred during an involuntary transfer under the Interstate Corrections Compact (ICC). The Appellant argued, among other things, that Department employees "illegally confiscated and searched" his legal box. This is the second such grievance the Appellant has filed with this court, involving the same involuntary transfer incident. (15-ALJ-04-0001-AP).¹ The Appellant did not lose any good time as punishment for any conviction, since the Appellant's grievance did not involve disciplinary action.

DISCUSSION

The court's jurisdiction to hear this matter is derived entirely from the decision of the South Carolina Supreme Court in *Al-Shabazz v. State*, 338 S.C. 354, 527 S.E.2d 742 (2000). The court's appellate jurisdiction in inmate appeals is limited to cases involving denial of state created liberty interests typically involving: (1) cases in which an inmate contends that prison officials have

¹ In the prior appeal No. 15-ALJ-04-0001-AP (Attached to this Order), which this court dismissed on January 28, 2015, the Appellant complained the Department failed to follow its internal policy by not giving the Appellant 48 hours notice prior to the transfer. In response, the Department explained that it informed the Appellant that he was no longer scheduled for a transfer under the ICC. The Appellant appealed this court's Order of Dismissal to the Court of Appeals and that court dismissed the case on April 30, 2015 (Appellate Case No. 2015-000775). The Appellant petitioned for a rehearing on May 7, 2015, and the Court of Appeals denied the Appellant's request and issued a Remittitur on September 17, 2015.

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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.*

The Supreme Court further explained the court's jurisdiction in *Slezak v. South Carolina Department of Corrections*, 361 S.C. 327, 605 S.E.2d 506 (2004). *Slezak* emphasized that, while the court has jurisdiction over all properly filed inmate grievance appeals, the court is not required to hold a hearing on every matter. *Id.* "Summary dismissal may be appropriate where the inmate's grievance does not implicate a state-created liberty or property interest." *Id. citing Sandin v. Conner*, 515 U.S. 472, 115 S.Ct. 2293 (1995). Additionally, the South Carolina Court of Appeals has opined that where a state-created liberty interest is not implicated in a prisoner appeal, this court should dismiss the appeal. *Skipper v. S.C. Department of Corrections*, 370 S.C. 267, 633 S.E. 2d 910 (Ct. App. 2006). Though the South Carolina Supreme Court has held that the state's statutory mandate that inmates be paid the prevailing wage made receipt of the prevailing wage a state created liberty or property interest, the Court noted that its holding was *extremely limited* and was not to be viewed as expanding the jurisdiction of the ALJ in any other circumstances. *Wicker v. S.C. Department of Corrections*, 360 S.C. 421, 602 S.E.2d 56 (2004).

In this case, the Appellant's complaints do not concern a state created liberty or property interest. Under *Slezak v. S.C. Department of Corrections*, 361 S.C. 327, 605 S.E. 2d 506, (2004) the Administrative Law Court is to have jurisdiction of all properly perfected inmate appeals but "Summary dismissal may be appropriate where the inmate's grievance does not implicate a state created liberty or property interest." Such is the case here.

THEREFORE, for the foregoing reasons, the decision appealed from is **AFFIRMED**.



S. Phillip Lenski
Administrative Law Judge

September 15, 2015
Columbia, South Carolina

