

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Matthew Blyth Kerr, Jr., #348874,

Appellant,

vs.

South Carolina Department of Corrections,

Respondent.

Docket No. 16-ALJ-04-0027-AP

RECEIVED

MAY 16 2016

SC Court of Appeals
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 did not lose good time credit as part of any punishment. The Appellant is seeking reimbursement for lost or stolen personal property due to alleged staff negligence.

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 interests¹ 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.*

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).

¹ The Court does have limited jurisdiction in some property matters, the authority for which need not be cited here.

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ADMIN. LAW COURT

When reviewing the Department's decisions in inmate grievance matters, the court sits in an appellate capacity. *SCDC v. Mitchell*, 377 S.C. 256, 659 S.E.2d 233 (Ct. App. 2008). Consequently, the review in these inmate grievance cases is limited to the Record presented.

In this case, the Appellant did not lose any good time as part of any punishment and therefore this matter does not affect a state-created liberty or property interest. As such, this is a case in which this court must adhere to the traditional "hands off" doctrine regarding judicial involvement in prison disciplinary procedure and other internal prison matters. *See Pruitt v. State*, 274 S.C. 565, 266 S.E.2d 779 (1980) and *Al-Shabazz v. State*, 338 S.C. 354, 527 S.E.2d 742 (2000).

THEREFORE, for the foregoing reasons, the decision appealed from is **AFFIRMED** and this appeal is **DISMISSED WITH PREJUDICE**.

IT IS SO ORDERED.



S. Phillip Lenski
Administrative Law Judge

April 5, 2016
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 thereof,
in the United States Mail, postage paid, or in the Interagency
Mail Service addressed to the party(ies) or their attorney(s).

This is done this 5th day of April, 2016.

Judicial Law Clerk