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JUL 14 2016

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM THE ADM. LAW COURT

CASE #: 16-ALJ-04-0027-AP

The Honorable S. Phillip Lenski

APPELLANT CASE #: 2016-000904

Matthew Kerr, Jr.,

Appellant,

vs.

South Carolina Dept. of Corrections,

Respondent.

RECORD ON APPEAL

Matthew Kerr, Jr.
TCI SA-109
1578 Clarence Coker Hwy
Turbeville, SC 29162
(Appellant Pro-Se)

S.C. Department of Corrections
Office of General Counsel
P.O. Box 21787
Columbia, SC 29221
(Counsel for Respondent)

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

Dis 11/23/15 (20)

INMATE GRIEVANCE FORM

JUL 28 2015

STEP 1

INMATE NAME: <u>MATTHEW KERR</u>	RECEIVED JUL 14 2015 SC Court of Appeals	OFFICE USE ONLY	
SCDC NUMBER: <u>348874</u>		Grievance No. <u>TCL 0253-15</u>	
INSTITUTION: <u>TURBEVILLE CORRECTIONAL</u>		Code: General <u>PR/IS</u>	Policy _____
HOUSING UNIT: <u>SE-LOC A 222</u>			Disc. Hear. _____
WORK ASSIGNMENT: <u>TEACHER ASSISTANT</u>			Class _____
		PREA _____	Date Received <u>7-28-15</u>
			IGC Initials <u>AC</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.)

I WOULD LIKE TO BE REIMBURSED FOR MY PROPERTY THAT WAS STOLEN WHILE I WAS AT WORK THAT INCLUDES A PAIR OF NEW BALANCE SNEAKERS, (SIZE 11), NEW PAIR OF BROWN SLIP ON'S (SIZE 11), 1 RADIO, AND A CLOCK. THE MERCHANDISE AND ABOUT \$300 - WORTH OF CANTEN AND HYGIENE WERE STOLEN ON AUGUST 22, 2012.

THANK YOU FOR LOOKING INTO THIS MATTER

Matthew Kerr 7/28/15
Grievant Signature Date

ACTION REQUESTED:

ACTION TAKEN BY IGC: PROCESSED UNPROCESSED OTHER

IGC reviewed grievance. See reverse side for Warden's response.

[Signature] 11/9/15
IGC Signature Date

(CONTINUE ON REVERSE SIDE)

WARDEN'S DECISION AND REASON:

Inmate Kerr;

348874

This is in response to TCI-0253-15.

All pertinent information and documentation has been reviewed. Per your grievance statement, your items were stolen. Personal property is not the responsibility of SCDC unless it is in our control. Reimbursement for personal property will only be given if the item(s) were deliberately lost or damaged by SCDC staff while in SCDC control. Nothing has been found to substantiate that staff were responsible for the loss of any of your property. Sgt. Brayboy was contacted and stated he does recall you coming to him and reporting your property had been stolen, but he knew nothing of the incident prior to you reporting it to him. Sgt. Ashe was contacted and he stated he does not recall the specifics of the incident such as what was taken or by whom. Lt. Bowers is no longer employed at Turbeville CI; therefore, a statement could not be received by him.

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

R. Cell 11-10-15
Warden Signature Date

- I accept the Warden's decision and consider the matter closed.
- I do not accept the Warden's decision and wish to appeal.

Matthew B. Kerr 11/18/15
Grievant Signature Date

Coker 11/18/15
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 ~~to the RTSM response~~ ^{to 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.

Use: 11/23/15

DEC 02 2015

STEP 2

INMATE GRIEVANCE
INMATE NAME: Kerr, Matthew
SCDC NUMBER: 348874
INSTITUTION: Turbeville
HOUSING UNIT: Seloc-A 222
WORK ASSIGNMENT: TEACHER ASSISTANT

Office Use Only
NOV 23 2015
Grievance No. IGC-053-15
Code: General PR/IS
Policy: _____
Disc. Hear. _____
Class. _____
Date Received 11-23-15
IGC Initials LC

INMATE'S REASON FOR APPEAL (state specific dissatisfaction):

LT. BOWERS DID NOT DO HIS JOB PROPERLY HE KEPT ME AT BAY LYING ABOUT BE PATIENT I'M LOOKING INTO THE MATTER, AND NEVER DID. HE DIDN'T EVEN FILL OUT AN INCIDENT REPORT. SGT. BRADSHAW CAME TO ME TO FOREWARN ME THAT EVERYTHING WAS STOLEN, AS I WORKED FIRST SHIFT IN THE KITCHEN AT 3:30 AM MY LOCKER AND DOOR ARE LOCKED AT THAT TIME DUE TO 3:45 AM COUNT. SO MY STUFF WAS SECURED. OFFICER ROARKE STATED THAT HE HAD SEEN A LOT OF INMATES CARRYING BAGS OF STUFF ON THE TOP LOCK AND DID NOT QUESTION ANY OF THEM. ALSO THERE WAS A BROKEN BROOM IN MY ROOM THAT THEY MUST HAVE USED TO BREAK MY LOCK, BUT THE OFFICER HAD NO ONE'S I.D. FOR THAT. A/W BRADSHAW, CAPTAIN KELLY, AND WARDEN KNOWLIN KNEW ABOUT THE INCIDENT AND DID NOTHING ABOUT IT. A/W BRADSHAW AT ONE TIME WAS GOING TO REIMBURSE MY FOR MY PROPERTY AND MOST OF MY HYGIENE AND CANTEEN, AND WAS TOLD NOT TO BY A/W SHARP. AS HE STATED MY DOOR WAS UNLOCKED. AND AS I STATED IT WAS LOCKED BECAUSE I WAS WORKING 7 DAYS A WEEK FIRST SHIFT IN THE KITCHEN. I FELT THAT LT. BOWERS AND OFFICER ROARKE WERE INCOMPETENT TOWARD THIS MATTER OF MY STUFF BEING STOLEN WHILE I WAS AT WORK. WHILE LOOKING FOR MY STUFF LT. BOWERS, MOVED ME OUT OF THE DORM, AS HE STATED THAT IT WAS EASIER TO MOVE ME THAN MOVE ALL THE OTHERS INVOLVED. OUT OF OVER \$1000 DOLLARS WORTH OF STUFF HE BROUGHT ME 7 RAMEN SOUPS VALUED AT \$1.75. I ASKED ME IF I HAD CARRIED GOOD AND I STATED YES, GAVE HIM ALL MY RECEIPTS FOR CANTEEN AND PROPERTY. AND NEVER HEARD ANYTHING ABOUT IT AGAIN. I FEEL THAT I SHOULD BE REIMBURSED FOR ALL MY ITEMS JUST LIKE A/W BRADSHAW. Matthew Kerr 11-22-15
THANK YOU. Grievant Signature Date

RESPONSIBLE OFFICIAL'S DECISION AND REASON:

I have reviewed your complaint. There is no evidence to support your claim that your items were stolen, nor is there any indication of negligence on the part of an SCDC employee.
Therefore, your grievance is denied.

You may appeal this decision under the Administrative Procedures Act. In order to appeal, you must fill out the attached Notice of Appeal Form and submit it as instructed on the form within 30 days of receipt.

Wayne C McCal 12-30-15
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:

Matthew Kerr 1/8/16
Grievant Signature Date

Coker 1/8/16
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.

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South Carolina Department of Corrections,

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PROOF OF SERVICE

I certify that I have served a copy of my Brief of Appellant, Record on Appeal, Motion to proceed In Forma Pauperas, on the Respondent's Counsel of Record as indicated below and the South Carolina Administrative Law Court as indicated below by depositing the same in the United States Mail, Postage Prepaid and addressed as indicated below on this Date:

This 8TH day of July, 2016.


Matthew Kerr, Jr.

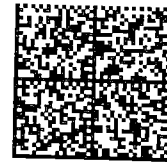
South Carolina Dept. of Corrections
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(Counsel for Respondent)

S.C. Adm. Law Court
1205 Pendleton St. Suite 224
Columbia, SC 29201

MATTHEW KERR 348874
T.C.I. - SA 109
1578 CLARENCE COKER HIGHWAY
TURBEVILLE, S.C. 29162

"LEGAL"
MAIL

SOUTH CAROLINA COURT OF APPEALS JUL 14 2016
JENNY ABBOTT KITCHINGS, CLERK
P.O. BOX 11629
COLUMBIA, S.C. 29211



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