

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM THE SOUTH CAROLINA ADMINISTRATIVE LAW COURT

Carolyn C. Matthews, Administrative Law Judge

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Appellate Case No. 2014-002172  
Unpublished Opinion No. 2016-UP-392

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**RECEIVED**  
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SC Court of Appeals

Joshua Cramer, #251406, ..... Appellant,

v.

South Carolina Department of Corrections, ..... Respondent.

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**RESPONDENT'S PETITION FOR REHEARING**

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The Respondent, the South Carolina Department of Corrections [“SCDC”] respectfully petitions the Court, under South Carolina Appellate Court Rule [“SCACR”] 221(a), to rehear and, obviously, reconsider its decision in this matter. *See* Opinion No. 2016-UP-392, 2016 WL 4125880 (S.C. Ct. App. Aug. 3, 2016).

**I. SUGGESTION FOR THE COURT TO REHEAR ITS DECISION EN BANC UNDER SCACR 219**

**A. SCACR 219 AND 221(a)**

SCDC respectfully suggests, in accordance with the provisions of SCACR 219(b), that this Court rehear its instant decision en banc.

SCACR 219(a) provides that six (6) members of this Court must affirmatively vote to rehear an appeal en banc, and it further provides as follows:

A ... rehearing en banc is not favored and ordinarily will not be ordered except ... **(2) when the proceeding involves a question of exceptional importance.** [emphasis supplied].

SCACR 221(a) provides that a petition for rehearing “shall state with particularity the points supposed to have been overlooked or misapprehended by the court.”

**B. THE ISSUES ADDRESSED BY THE COURT’S DECISION INVOLVE QUESTIONS OF EXCEPTIONAL IMPORTANCE**

By its decision in the instant matter, this Court applied the logic and reasoning from its recent decision in *Ackerman v. S.C. Dep’t of Corr.*, 782 S.E.2d 757 (S.C. Ct. App. 2016) to the prison industries pay claims asserted by Cramer in the administrative grievance he filed with SCDC under its Inmate Grievance Policy System, designated as Policy GA-01.12. In so relying upon *Ackerman*, this Court reversed the decision issued by the South Carolina Administrative Law Court [“ALC”] which upheld SCDC’s denial of Cramer’s grievance.

In *Ackerman*, the Court reversed a decision issued by the ALC concerning nearly 200 appeals filed by current and former inmates who participated in a prison industries service project operated by SCDC. The ALC in *Ackerman* upheld SCDC's determination that the current and former inmates did not, under Policy GA-01.12, timely file administrative grievances in which they asserted various claims concerning the pay SCDC remitted to them for their labor.

The claims articulated by the current and former inmates in *Ackerman* concerned the hourly rate at which SCDC paid them for their labor and whether SCDC applied the proper percentages of deductions to the gross pay it remitted to them under the provisions of S.C. Code Ann. § 24-3-40, budget provisos enacted by the legislature beginning in 2001 which specifically addressed prison industries service work projects, and the provisions of S.C. Code Ann. §§ 24-1-290 and 295 (Supp. 2007).

The ALC in *Ackerman* upheld SCDC's determination that the fifteen-day filing deadline from paragraph 13.1 of Policy GA-01.12 applied to the pay claims articulated by the current and former inmates in their grievances. By so affirming, the ALC also upheld SCDC's determination that the grievances in which the current and former inmates asserted their pay claims constituted "incident" grievances rather than "policy/procedure" grievances.

By its decision in *Ackerman*, however, this Court ruled that under paragraph 13.9 of Policy GA-012, the grievances in which the current and former inmates asserted their pay claims constituted "policy/procedure" grievances, not "incident" grievances, and, as a result, the fifteen-day filing deadline from paragraph 13.1 did not apply to their grievances. More precisely, this Court ruled that no filing deadline applied to the grievances subject to review in *Ackerman*.

In the instant matter, Cramer, like the current and former inmates in *Ackerman*, filed a grievance in which he articulated claims concerning his prison industries pay. Unlike the current

and former inmates in *Ackerman*, Cramer did not challenge the hourly rate at which SCDC paid him for his labor or whether SCDC applied the proper percentages of deductions to the gross pay it remitted to him under the applicable statutes.

Instead, Cramer asserted in his grievance that SCDC ran afoul of the provisions of §§ 24-3-40(A)(5) and (B)(2) by unlawfully depriving him both of access to the monies it deducted from his gross prison industries wages and then held in an interest bearing escrow account for his benefit, as well as a lawful rate of interest attributable to these monies.

As it did with the grievances in *Ackerman*, SCDC found that the grievance in which Cramer asserted the aforementioned prison industries pay claims constituted an “incident” grievance subject to the fifteen-day filing deadline from paragraph 13.1. SCDC further found that Cramer failed to timely file his grievance, because he filed it nearly two (2) years after SCDC first began deducting ten percent from his gross prison industries pay and holding it in an interest bearing escrow account for his benefit under §§ 24-3-40(A)(5) and (B)(2).

Accordingly, SCDC denied Cramer’s grievance, and, as it did in *Ackerman*, the ALC affirmed SCDC’s denial of Cramer’s grievance and the grounds upon which SCDC determined that Cramer did not timely file his grievance.

As stated above, this Court, as it did in *Ackerman*, reversed the ALC’s decision which upheld SCDC’s denial of Cramer’s grievance. In so reversing the ALC’s decision concerning Cramer’s grievance, SCDC respectfully asserts that this Court has again allowed the exception to the fifteen-day filing deadline it crafted in *Ackerman*, an exception anchored to its mistaken interpretation of the applicable provisions of Policy GA-01.12, to completely swallow the legitimate fifteen-day filing deadline established by paragraph 13.1.

As illustrated below in the conclusion to SCDC's instant petition, the ALC recognized the perils of such an interpretation in the order by which it upheld SCDC's denial of Cramer's grievance.

Just as it did in *Ackerman*, this Court's instant decision regarding Cramer's grievance further encourages other inmates to fashion creative arguments as to how the exception from paragraph 13.9 trumps the fifteen-day filing deadline established by paragraph 13.1 for a myriad of other instances separate and apart from prison industries pay disputes.

SCDC, therefore, respectfully argues that the rehearing of this appeal "involves a question of exceptional importance" under SCACR 219(a)(2), and, accordingly, SCDC respectfully urges this Court to rehear its August 3, 2016 decision en banc.

## **II. CRAMER DID NOT IDENTIFY SCDC'S PURPORTEDLY ERRONEOUS APPLICATION OF THE FIFTEEN-DAY FILING DEADLINE TO HIS STEP 1 GRIEVANCE AS AN ISSUE IN HIS NOTICE OF APPEAL TO THE ALC**

### **A. THE COURT'S OPERATIVE OBSERVATIONS**

At the outset of its August 3, 2016 decision, the Court identified the four (4) issues associated with Cramer's appeal of the ALC's decision which upheld SCDC's denial of the grievance in which he articulated his prison industries pay claims. (*Opinion*, pp. 1 – 2).

Of the four (4) issues identified by the Court, only the first two (2) are relevant to SCDC's instant petition.<sup>1</sup> The Court first observed that Cramer had argued the ALC "erred in affirming [SCDC's] denial of [his] grievances for failure to file his Step 1 Grievance within the Inmate Grievance System Policy's fifteen-day deadline provided by SCDC Policy GA-01.12

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<sup>1</sup> Regarding the third issue, the Court observed that Cramer argued SCDC had "erred in denying him immediate access to wages escrowed for his benefit pursuant to [ §§ 24-3-40(A)(5) and (B)(2) ] and [ § 24-3-315 ]." (*Opinion*, p. 2). Regarding the fourth issue, the Court observed that Cramer argued SCDC had "denied him a fair interest rate on wages escrowed for his benefit under [ § 24-3-40(A)(5) ]." (*Id.*, p. 2). The Court declined to review the third and fourth issues identified by Cramer, as they concerned the merits of Cramer's prison industries pay claims. Instead, the Court, after reversing the ALC's decision on the first and second issues, remanded the third and fourth issues back to the ALC for consideration of their merits. (*Id.*, p. 4, n. 2).

paragraph 13.1.” (*Opinion*, p. 1). The Court next observed that Cramer had argued “SCDC’s denial of Cramer’s grievance based on the fifteen-day deadline conflicts with SCDC Policy GA-01.12 section 13.9.” (*Id.*, pp. 1 – 2).

The Court then summarized the prison industries pay claims articulated by Cramer in the Step 1 grievance he filed with SCDC under the provisions of Policy GA-01.12 (*Id.* p. 2):

Cramer is currently serving a life sentence without the possibility of parole at the Broad River Correctional Institution. Between July 2005 and January 2010, Cramer participated in the prison industries service project operated by SCDC.<sup>2</sup> On April 26, 2007, Cramer filed a Step 1 Grievance alleging (1) he should be allowed immediate access to the portion of his wages from the prison industries service project that were placed in escrow as required by [§ 24-3-40(A)(5)] because he was never going to be released from prison and keeping the money in escrow to be distributed at his death deprived him of a liberty interest and (2) he had a liberty interest in the amount of interest earned on the money in escrow and the interest rate had declined.

In its review of the chronology associated with Cramer’s appeal of SCDC’s denial of his grievance, the Court observed as follows (*Id.*, p. 2):

In March 2014, Cramer appealed to the ALC arguing (1) SCDC erred in denying him immediate access to his escrowed wages, (2) SCDC erred in denying him a fair interest rate on his escrowed wages, and (3) SCDC’s denial of his grievance “based on the ‘fifteen[-]day deadline’ [found in policy number GA-0.12 paragraph 13.1] conflicts with [SCDC] policy number GA-01.12 [paragraph] 13.[9]” Cramer also argued his grievance was not an incident grievance but a policy and procedure grievance that was not limited to the fifteen-day deadline.

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<sup>2</sup> For the sake of clarity, Cramer did not participate in a prison industries service project operated by SCDC. Instead, as reflected by SCDC’s response to Cramer’s Step 1 grievance (R. p. 38), Cramer participated in a prison industries project operated by SCDC at Broad River in which R.M. Design participated as the private industry sponsor and for which SCDC received certification from the United States Department of Justice’s Bureau of Justice Administration [“BJA”] under BJA’s Prison Industries Enhancement Certification Program [“PIECP”]. In the brief it submitted to the Court, SCDC mistakenly stated that Cramer had participated in a prison industries service work project. See SCDC’s Final Brief filed April 13, 2015, pp. 11 and 15. Had he participated in a prison industries service project operated by SCDC between 2005 and 2010, the provisions of budget provisos enacted by our legislature beginning in 2001, as well as the provisions of §§ 24-1-290 and 295 enacted by the legislature in 2007, would have applied to the pay SCDC remitted to Cramer for his labor. Instead, as SCDC had received certification to operate the project in which Cramer participated under BJA’s PIECP, the provisions of §§ 24-3-40, 315, 410, and 430, as well as various federal statutes and regulations (i.e. 18 U.S.C.A § 1761(a) and 64 FR 17000, *et seq.*), applied to Cramer’s pay.

**B. CRAMER DID NOT PRESERVE THE ISSUE OF WHETHER SCDC PROPERLY APPLIED THE FIFTEEN-DAY FILING DEADLINE FROM PARAGRAPH 13.1 OF POLICY GA-01.12 TO HIS GRIEVANCE**

SCDC respectfully submits, however, that the Court overlooked the reality that Cramer failed to present any challenge to SCDC's imposition of the fifteen-day filing deadline from Policy GA-01.12 to his grievance within the Notice of Appeal he filed with the ALC.

On the pre-printed Notice of Appeal form he submitted to the ALC dated March 5, 2014 (R. p. 49), Cramer articulated only the following grounds upon which he appealed the final decision by SCDC which denied his claim for immediate access to his escrowed wages:

[Section § 24-3-40(A)(5)] requires SCDC to deduct 10% of an inmate's wages and hold them "in an interest bearing escrow account for the benefit of the prisoner." [Section 24-3-40(B)(2)] provides the inmate with the "option of having his escrowed wages including in his estate or distributed to the persons or entities of his choice." SCDC is violating the provision of [§ 24-3-40(B)(2)] by not allowing me to distribute my escrowed wages to a person of my choice and is holding my escrowed wages in an account bearing little to no interest.

Cramer's appeal of SCDC's denial of his grievance was governed by Section V of the ALC Rules of Procedure, which is entitled "Special Appeals." ALC Rule 51, which is the first rule in Section V, declares that the rules of Section V "shall apply "exclusively in matters heard on appeal from final decisions pursuant to [*Al-Shabazz v. State*, 527 S.E.2d 742 (S.C. 2000)]." The first paragraph of ALC Rule 59, which is entitled "Notice of Appeal," provides that the "notice of appeal from the final decision to be heard by the [ALC] shall be filed with the Court and a copy served on each party, including the agency, within thirty (30) days of receipt of the decision from which the appeal is taken." The next sentence of ALC Rule 59 provides as follows:

The notice shall be on the form prescribed by the Court pursuant to Rule 57 and shall contain the following information:

- A. the name, address, SCDC number, and telephone number of the party requesting the appeal, and the name, address, and telephone number of the attorney or other authorized representative, if any, representing that party;
- B. **a brief factual basis for each expressly and specifically asserted constitutional violation;**
- C. a copy of the final decision which is the subject of the appeal and the date received;
- D. proof of service of the notice of appeal on all parties.  
[emphasis supplied].

Rather obviously, Cramer did not articulate SCDC's purportedly erroneous application of the fifteen-day filing deadline to his grievance as one of the grounds in his Notice of Appeal to the ALC as required by the above-quoted provisions from ALC Rule 59(B).

Accordingly, SCDC respectfully asserts that Cramer failed to preserve this issue for consideration by the ALC, and, by extension, this Court. *See Goins v. S. C. Dep't of Corr.*, Opinion No. 2014-UP-390, 2014 WL 5840482, at \*1 (S.C. Ct. App. Nov. 12, 2014) (citing *Risher v. S.C. Dep't of Health & Env'tl. Control*, 712 S.E.2d 428, 433, n. 5 (S.C. 2011) (“[T]his Court has long enforced and relied upon issue preservation rules in administrative appeals.”) and *Brown v. S.C. Dep't of Health & Env'tl. Control*, 560 S.E.2d 410, 417 (S.C. 2002) (“[I]ssues not raised to and ruled on by the [ALC] are not preserved for appellate consideration.”)).

### **III. SCDC PROPERLY DENIED CRAMER'S STEP 1 GRIEVANCE, BECAUSE HE DID NOT FILE IT IN A TIMELY FASHION**

#### **A. THE COURT'S OPERATIVE FINDINGS AND RULINGS**

In reversing the decision by the ALC which upheld SCDC's denial of Cramer's prison industries pay claim, the Court found as follows (*Opinion*, p. 3):

We find Cramer's grievance is a “policy/procedure” and SCDC's characterization of Cramer's grievance as an incident grievance was arbitrary and capricious. *Cf. [Kiawah Dev. Partners, II v. S.C. Dep't of Health & Env'tl. Control*, 766 S.E.2d 707, 718 (S.C. 2014)] (“We defer to an agency interpretation unless it is ‘arbitrary, capricious, or manifestly contrary to the statute.’” (quoting *Chevron, U.S.A., Inc. v. Nat. Res. Def. Council, Inc.*, 467 U.S. 837, 844 (1984))).

The Court supported its finding by reasoning as follows (*Opinion*, pp. 3 – 4):

Cramer’s grievance stems from [§§ 24-3-40(A)(5) and (B)(2)]. Section 24-3-40(A)(5) states the director of SCDC, or the local detention or correctional facility manager, shall deduct ten percent of an inmate’s wages to “be held in an interest bearing escrow account for the benefit of the prisoner.” Section 24-3-40(B)(2) provides “[a] prisoner serving life in prison or sentenced to death shall be given the option of having his escrowed wages included in his estate or distributed to the persons or entities of his choice.”

The Court then relied upon its aforementioned recent decision in *Ackerman*, a decision for which SCDC is currently seeking a writ of certiorari from our Supreme Court,<sup>3</sup> and it ruled as follows (*Id.*, p. 4):

This court recently decided [*Ackerman*], holding an inmate grievance challenging the specific pay rate in a contract with a prison industries sponsor was a policy/procedure grievance rather than an incident grievance. As in *Ackerman*, the substance of Cramer’s grievance, which involves the distribution of his wages, is “a topic governed by statute and, thus, an expression of the legislature’s policy,” and “SCDC is mandated to carry out these legislative policies.” [*Id.*, 782 S.E.2d at 761 – 62]. “SCDC, in turn, expresses its own, more specific policies” regarding inmate wage distribution. [*Id.*, 782 S.E.2d at 762]. Furthermore, Cramer’s grievance “naturally fall[s] within [SCDC’s] definition [of the terms “policies” and “procedures”] because SCDC has operated the prison industries service project as one of its day-to-day operations.” [*Id.*, 782 S.E.2d at 761]. [emphasis supplied].

The Court further relied upon its recent decision in *Ackerman* by continuing as follows (*Id.*, p. 4):

Additionally, Cramer’s grievance cannot “realistically be characterized as [an] “incident[,]” which [is] temporally limited and rarely affect[s] more than a few inmates” because many inmates are serving life sentences and any of those inmates who participate in the prison industries service project will be in the same situation as Cramer. [*See Ackerman*, 782

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<sup>3</sup> The Court issued its decision in *Ackerman* on February 10, 2016, and SCDC petitioned the Court to rehear its decision on February 25, 2016. The appellants in *Ackerman* did not petition the Court to rehear any component of its decision. By an order it issued March 24, 2016, the Court denied SCDC’s petition for rehearing. On May 2, 2016, SCDC petitioned our Supreme Court to issue a writ of certiorari concerning the Court’s decision in *Ackerman*. As of June 14, 2016, our Supreme Court has received all necessary materials concerning SCDC’s petition for writ of certiorari in *Ackerman*, and SCDC’s petition remains pending as of the date of its instant petition for rehearing.

S.E.2d at 762 (finding the provisions of the inmates contracts were enduring and had the same effect on numerous inmates and therefore, could not “realistically be characterized as ‘incidents,’ which are temporally limited and rarely affect more than a few inmates”).

**B. SCDC PROPERLY FOUND THAT THE GRIEVANCE IN WHICH CRAMER ARTICULATED HIS PRISON INDUSTRIES PAY CLAIMS CONSTITUTED AN “INCIDENT” GRIEVANCE, AND, THEREFORE, IT PROPERLY APPLIED THE FIFTEEN-DAY FILING DEADLINE FROM PARAGRAPH 13.1 OF POLICY GA-01.12 TO HIS GRIEVANCE**

As recognized by the Court in its decision (*Opinion*, pp. 3 – 4), § 24-3-40(A)(5) provides that SCDC, through its Executive Director, shall deduct ten percent from the gross wages it pays a prisoner who participates in a prison industries project of the type in which Cramer participated, and it further provides that SCDC must hold the ten percent it deducts “in an interest bearing escrow account for the benefit of the prisoner.” Section 24-3-40(B)(2) provides that a “prisoner serving life in prison or sentenced to death shall be given the option of having [the escrowed wages held for his benefit pursuant to § 24-3-40(A)(5)] included in his estate or distributed to the persons or entities of his choice.”

Thus, by its decision in the instant matter, the Court expanded its holdings from *Ackerman* to cover the percentage of Cramer’s prison industries pay which our legislature mandated, by its enactment of §§ 24-3-40(A)(5) and (B)(2), SCDC to deduct and then maintain in an interest bearing account for Cramer’s benefit.

However, SCDC respectfully asserts that the monies it deducted from the gross wages it remitted to Cramer and then held in an interest bearing escrow account for his benefit pursuant to § 24-3-40(A)(5), as well as the interest attributable to these monies, clearly constitutes Cramer’s property. Thus, by asserting in his Step 1 that SCDC had failed to comply with the provisions of § 24-3-40(B)(2) by unlawfully depriving him access to his property (i.e. the monies SCDC deducted from his gross wages and held in an interested bearing escrow account for his benefit in

accordance with § 24-3-40(A)(5) and the interest attributable to these monies), Cramer asserted that SCDC was depriving him of his property.

SCDC may not take or otherwise deprive inmates of their property without the process afforded them under Policy GA-01.12. Therefore, SCDC respectfully asserts that the claims Cramer articulated in his Step 1 concerning the percentage of his prison industries wages to which SCDC purportedly deprived of access, as well as the interest attributable thereto, constitute “incidents” under Policy GA-01.12, and, therefore, the fifteen-day filing deadline from paragraph 13.1 of Policy applied to his grievance.

1. **Precedent from our Supreme Court establishes that all of Cramer’s prison industries wages, including the ten percent deducted by SCDC and held in an interest bearing escrow account for his benefit and the interest attributable thereto, constitute his property.**

In *Wicker v. S.C. Dep’t of Corr.*, 602 S.E.2d 56 (S.C. 2004), our Supreme Court acknowledged that inmates could challenge the hourly wage at which SCDC paid them for the labor they voluntarily provided to prison industries projects by filing administrative grievances in conformity with the provisions of Policy GA-01.12.

In *Wicker*, 602 S.E.2d at 57, our Supreme Court declared as follows:

We find that where, as here, the state has created a statutory right to the payment of a prevailing wage, **it cannot thereafter deny that right without affording due process of law.** *Cf. Piatt v. MacDougall*, 773 F.2d 1032, 1036 (9th Cir.1985) (where state has established, by statute, a right of inmates to compensation for work performed for private parties, it cannot deny that right after they earned the wages, without affording due process of the law); *Borrer v. White*, 377 F.Supp. 181 (W.D.Va. 1974) (although there was no federal constitutional right to payment, inmate might be entitled to such compensation under state statute). [emphasis supplied].

The *Wicker* Court, 602 S.E.2d at 57 – 58, then reconciled its holding with the opinion from *Sullivan v. S.C. Dep’t of Corr.*, 586 S.E.2d 124 (S.C. 2003):

We are not unmindful of our opinion in [*Sullivan*], in which we held the [ALC] has jurisdiction to review [SCDC] grievance proceedings only if they involve the denial of “state created liberty interests.” There, we recognized that our opinion in [*Al-Shabazz*, 527 S.E.2d at 750], held that administrative matters typically arise in two ways: (1) when an inmate is disciplined and punishment is imposed and (2) when an inmate believes prison officials have erroneously calculated his sentence, sentence-related credits, or custody status. However, we did not limit *Al-Shabazz* to these two instances. **The *Al-Shabazz* Court explained that procedural due process is guaranteed when an inmate is deprived of an interest encompassed by the Fourteenth Amendment’s protection of ... property.** [527 S.E.2d at 750].

**We find the state’s statutory mandate that inmates be paid the prevailing wage creates such an interest**, which may not be denied without due process. *Piatt v. MacDougall*, *supra*. Accordingly, in this very limited circumstance, we hold [SCDC’s] failure to pay in accordance with the statutes is reviewable by the [ALC]. [footnote omitted and emphasis supplied].

The *Al-Shabazz* Court, 527 S.E.2d at 750, explained the following:

The requirements of procedural due process apply only to the deprivation of interests encompassed by **the Fourteenth Amendment’s protection of liberty and property.**” [*Board of Regents of State Colleges v. Roth*, 408 U.S. 564, 569 (1972)]. [emphasis supplied].

The *Sullivan* Court, 586 S.E.2d at 126, acknowledged *Al-Shabazz*:

In *Al-Shabazz*, the Court recognized that the administrative matters entitled to review by the [ALC] “typically arise in two ways: (1) when an inmate is disciplined and punishment is imposed and (2) when an inmate believes prison officials have erroneously calculated his sentence, sentence-related credits, or custody status.” [527 S.E.2d at 750]. The Court explained further that procedural due process was guaranteed only **when an inmate was deprived of an interest encompassed by the Fourteenth Amendment’s protection of ... property.** *Id.* [emphasis supplied].

Our Supreme Court, in its decision in *Williams v. S.C. Dep’t of Corr. & Williams Technologies, Inc.*, 641 S.E.2d 885, 886, n. 1, explicitly recognized *Wicker’s* holding that a prison industries pay claim articulated in an administrative grievance filed by an inmate under Policy GA-01.12 animates a property interest attributable to the inmate by declaring as follows:

**In [*Wicker*], we further held that inmates may not be deprived of this property interest without due process; accordingly, inmates were directed to file grievances if they wished to protest [SCDC's] failure to pay a prevailing wage. [emphasis supplied].**

By its decision here (*Opinion*, p. 4), the Court, relying upon *Ackerman*, 782 S.E.2d at 761 – 62, determined that “the substance of Cramer’s grievance, which involves the distribution of his wages, is a ‘topic governed by statute and, thus, an expression of the legislature’s policy’” and that “SCDC is mandated to carry out these legislative policies.”

However, the Court overlooked the reality that by claiming SCDC deprived him access to the portion of his gross prison industries wages it deducted and held for his benefit in accordance with §§ 24-3-40(A)(5) and (B)(2), as well as a lawful rate of interest attributable thereto, Cramer actually claimed that, as contemplated under *Al-Shabazz*, *Sullivan*, *Wicker*, and *Williams*, SCDC deprived him of access to his property and to his property itself.

**2. The prison industries pay claims Cramer articulated in his Step 1 grievance constituted “Inmate property complaints” under paragraph 7.4 of Policy GA-01.12.**

Paragraph 7 of Policy GA-01.12 is entitled “Grievable Issues,” and it specifies seven (7) types of grievable issues. Paragraph 7.4 explicitly provides that “Inmate property complaints” will be considered grievable issues.

In *Ackerman*, 782 S.E.2d at 761, the Court reasoned as follows:

It logically follows that the remaining items in paragraph 7, i.e., **7.2 through 7.7, were meant to serve as “incidents”** for purposes of paragraphs 13.1 and 13.9. [emphasis supplied].

Cramer’s claim that SCDC unlawfully deprived him of both access to the percentage of his gross prison industries wages SCDC deducted and held for his benefit in an interest bearing account in conformity with §§ 24-3-40(A)(5) and (B)(2) (i.e. access to his property) constituted an “Inmate property complaint” as contemplated under paragraph 7.4. Likewise, Cramer’s claim

that SCDC deprived him of the lawful amount of interest attributable to his property (i.e. ten percent of his gross prison industries pay) held in the aforementioned escrow account constituted an "Inmate property complaint" as contemplated under paragraph 7.4.

Therefore, under paragraph 7.4, SCDC properly considered the Step 1 grievance in which Cramer asserted these claims as an "incident" grievance subject to paragraph 13.1's fifteen-day filing deadline.<sup>4</sup> See *Broadhurst v. City of Myrtle Beach Election Comm'n*, 537 S.E.2d 543, 548 (S.C. 2000) ("In construing a statute, its words must be given their plain and ordinary meaning without resort to subtle or forced construction to limit or expand the statute's operation.")

**3. SCDC's deduction of ten percent of Cramer's gross prison industries wages and its maintenance of these monies in an interest bearing escrow account for his benefit in accordance with §§ 24-3-40(A)(5) and (B)(2) did not constitute SCDC "policies" or "procedures."**

As discussed above, the *Ackerman* Court, 782 S.E.2d at 761, reasoned as follows:

It logically follows that the remaining items in paragraph 7, i.e., 7.2 through 7.7, were meant to serve as "incidents" for purposes of paragraphs 13.1 and 13.9.

Immediately after this sentence in its decision in *Ackerman*, 782 S.E.2d at 761, the Court continued as follows:

This is consistent with SCDC's proposed definition of "policies/procedures," which was adopted by the ALC:

[T]he terms "policies" and "procedures" constitute approved guidelines for handling the agency's day-to-day operations as well as statements expressing the basic expectations of conduct for agency staff and inmates. More formally stated, the terms "policies" and "procedures" constitute agency directives deemed by the responsible agency officials as **"necessary to preserve internal order**

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<sup>4</sup> SCDC acknowledges that the Court did not accept a similar if not identical argument SCDC offered in the petition for rehearing it filed in response to *Ackerman*. As stated above, however, SCDC's petition for writ of certiorari in *Ackerman* remains pending with our Supreme Court. Moreover, as the Court did not withdraw its original opinion and substitute a new opinion in when it denied its petition for rehearing, SCDC respectfully observes that the above-quoted language from *Ackerman* remains standing.

**and discipline, and to maintain institutional security in the prison.<sup>5</sup>”**

Inmates’ grievances **naturally fall within this definition because SCDC has operated the prison industries service project as one of its day-to-day operations** pursuant to guidelines and statements expressed in its contracts with prison industries sponsors, such as those in the WTI contract that (1) set the pay rate at \$4.00 per hour per inmate, to be paid directly to SCDC and from which SCDC is to make certain deductions, (2) prohibit WTI from exposing inmates to environmental hazards, (3) establish the duties of the parties regarding screening, training, supervision, scheduling, removal and replacement of inmate workers, (4) require WTI to provide adequate security, (5) provide for future renegotiation of the pay rate to reflect SCDC's increased overhead costs, (6) allow for the parties to create a bonus plan for inmates based on productivity and quality control, and (7) prohibit discrimination. [emphasis supplied].

In its instant decision (*Opinion*, p. 4), the Court relied upon the above-quoted passage from *Ackerman* by concluding as follows:

Furthermore, Cramer’s grievance **“naturally fall[s] within [SCDC’s] definition [of the terms ‘policies’ and ‘procedures’] because SCDC has operated the prison industries service project as one of its day-to-day operations.”** [*Ackerman*, 782 S.E.2d at 761]. [emphasis supplied].

a. **The Court overlooked its prior, albeit unpublished, decision in *Patterson*, as well as its prior decision in *Blick*.**

In its unpublished decision in *Patterson v. S.C. Dep’t of Corr.*, -- S.E.2d --, 2010 WL 10080031 (No. 2010-UP-292) (S.C. Ct. App. 2010), this Court relied upon its earlier opinion in *State v. Blick*, 481 S.E.2d 452, 455 (S.C. Ct. App. 1997), and the definition of “policies and procedures” reflected therein, when it affirmed a decision by the ALC which upheld SCDC’s application of the fifteen-day filing deadline from paragraph 13.1 to a grievance filed by an inmate in which the inmate alleged that SCDC had deprived him of his property (i.e. an “Inmate property complaint” under paragraph 7.4).

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<sup>5</sup> As illustrated immediately below, the basis of the emphasized language from the above-quoted paragraph comes from this Court’s opinion in *State v. Blick*, 481 S.E.2d 452, 455 (S.C. Ct. App. 1997).

In affirming SCDC's denial of the inmate's grievance, the *Patterson* Court, 2010 WL 10080031, \*1, relied upon *Blick* when it ruled as follows:

Patterson argues the ALC erred in finding his grievance was not timely filed. We disagree. [SCDC] denied Patterson's grievance based on [paragraph 13.1], which states an inmate must file a grievance within fifteen days of the alleged incident. **Here, Patterson filed his grievance complaining of loss of his inmate property on December 4, 2006.** Even if we construed the requirements for filing liberally in Patterson's favor, **Patterson should have filed his grievance within fifteen days of December 6, 2004, when he originally discovered that the Department lost his inmate property.** However, he did not file his grievance until almost two years later. **The ALC did not err in relying on [SCDC's] internal policy in finding Patterson failed to timely file his grievance because "[t]he adoption and execution of policies and practices necessary to preserve internal order and discipline, and to maintain institutional security in the prison are within the province and expertise of correctional officials."** [*Blick*, 481 S.E.2d at 455]. Accordingly, the ALC did not err in affirming the denial of Patterson's grievance. [emphasis supplied].

In *Blick*, this Court reversed a trial judge's ruling that the criminal prosecution of an inmate, who had been indicted for the crime of escape, subjected the inmate to double jeopardy, because SCDC had already imposed a sanction upon the inmate for his escape after an administrative hearing. In the course of its analysis, the *Blick* Court, 481 S.E.2d at 455 – 56, observed as follows:

The purpose of a prison disciplinary proceeding is to maintain institutional order rather than to prosecute criminal conduct. [*United States v. Newby*, 11 F.3d 1143 (3d Cir. 1993)]. **The adoption and execution of policies and practices necessary to preserve internal order and discipline, and to maintain institutional security in the prison are within the province and expertise of correctional officials.** *Id.* at 1146. If a prison disciplinary sanction were to bar subsequent criminal prosecution, prison authorities would be forced to choose between instituting a disciplinary proceeding or awaiting a criminal prosecution. The difficulties and delay that may be entailed in a criminal prosecution would hinder prison administration and discipline. *Id.* at 1146. Thus, as a general rule, a prison disciplinary sanction will not bar subsequent criminal prosecution. *Id.* at 1146. Looking at the particular facts of this case, we find the loss of 60 days of good time credit and the imposition of 120 days of administrative

segregation is not so divorced from **the remedial goal of the government to encourage good conduct and maintain order in the prison** as to constitute punishment for double jeopardy purposes. [emphasis supplied].

- b. **SCDC's deduction of ten percent of Cramer's gross prison industries wages and its maintenance of these monies in an interest bearing escrow account for his benefit in accordance with §§ 24-3-40(A)(5) and (B)(2) were not "necessary to preserve internal order and discipline, and to maintain institution security in the prison."**

The gross wages paid by SCDC to inmates, like Cramer, who participate in the prison industries projects it operates are not "necessary to preserve internal order and discipline, and to maintain institutional security in the prison," the final component of the definition of "policies and procedures" from *Blick*. Moreover, the projects themselves, while they undoubtedly enhance "internal order and discipline" and assist SCDC officials "to maintain institutional security" in the prisons at which the projects are operated, are not "necessary to preserve internal order and discipline, and to maintain institutional security in the prison."

The first sentence of § 24-3-430(A), first enacted in 1995, provides that SCDC's Executive Director "**may establish** a program involving the use of inmate labor by a nonprofit organization or in private industry for the manufacturing and processing of goods, wares, or merchandise or the provision of services or another business or commercial enterprise considered by the director to enhance the general welfare of South Carolina." [emphasis supplied].

Toward that end, § 24-3-430(A) further provides that provides that SCDC's Executive Director "**may enter** into contracts with private sector entities that allow inmate labor to be provided for prison industry service work and export work that involves exportation of products." [emphasis supplied].

SCDC is under no mandate by which it must operate the types of prison industries projects which fall under the provisions of § 24-3-430, including the project in which Cramer

participated. If SCDC halted operations of such projects or otherwise discontinued engaging in such projects, SCDC would still have to promulgate and follow “policies/procedures” which would be “necessary to preserve internal order and discipline, and to maintain institutional security in the prison” as contemplated under *Blick* and, more significantly, *Patterson*. Again, the gross wages paid by SCDC to inmates who participate in the prison industries projects it operates, like the projects themselves, are not “necessary to preserve internal order and discipline, and to maintain institutional security in the prison,” as contemplated by this Court in *Blick* and *Patterson*.

SCDC respectfully asserts that the manner by which this Court applied the definition of “policies and procedures” from *Blick* in its opinion in *Patterson*, albeit unpublished, supports SCDC’s assertion the prison industries pay claims articulated by Cramer in his Step 1 grievance, in which he asserted that SCDC deprived him both of access to his property and to his property itself (i.e. the ten percent of his gross prison industries wages deducted by SCDC and held in an interest bearing escrow account for his benefit and the interest attributable thereto), did not constitute an “incident” grievance rather than a “policy/procedure” grievance.

The following passage from our Supreme Court’s decision in *Toth v. Square D Co.*, 377 S.E.2d 584, 586 – 87 (S.C. 1989), impacts SCDC’s analysis and argument on this point:

Finally, we point out that this Court has already given retroactive effect to the [*Small v. Springs Industries, Inc.*, 357 S.E.2d 452 (S.C. 1987)] decision through our holding in *Francisco v. Black River Electric Cooperative*, Mem. Op. 87-MO-325 (S.C. filed July 27, 1987). ... **Although we recognize that *Francisco* is a memorandum opinion without precedential value (footnote omitted), it nonetheless indicates that we have already implicitly allowed retroactive application of *Small*.** By our holding today, we explicitly hold that *Small* is to be retroactively applied to causes of action arising prior to the date it was filed. [emphasis supplied].

Under the Court's previous decisions in *Blick* and *Patterson*, as well as our Supreme Court's decisions in *Wicker* and *Williams and Toth*, SCDC respectfully asserts that the Court should have affirmed SCDC's application of the fifteen-day filing deadline from paragraph 13.1 to Cramer's grievance, because SCDC properly found that Cramer's Step 1 grievance constituted an "incident" grievance. By properly determining that the prison industries pay claims Cramer articulated in his Step 1 grievance rendered Cramer's Step 1 grievance an "incident grievance" rather than a "policy/procedure" grievance, SCDC did not act in an arbitrary and capricious fashion as determined by the Court in its instant decision. (*Opinion*, p. 3).

**c. This Court overlooked our Supreme Court's decision in *Okera*.**

Along with overlooking its own prior decisions in *Patterson* and *Blick*, SCDC respectfully submits that the Court also overlooked a compelling, albeit unpublished, memorandum opinion issued by our Supreme Court in *Okera v. S.C. Dep't of Corr.*, -- S.E.2d --, 2012 WL 10907962 (No. 2012-MO-042) (S.C. 2012).

Like Cramer, Okera participated in a prison industries project operated by SCDC which had been certified by BJA under its PIECP.<sup>6</sup> Like Cramer, Okera also filed a grievance with SCDC in which he asserted claims regarding his prison industries pay. As it did to Cramer's grievance, SCDC applied the fifteen-day filing deadline to Okera's grievance, and it denied Okera's grievance.

Like Cramer, Okera appealed to the ALC, and the ALC affirmed SCDC's denial of Okera's grievance. Like Cramer, Okera then appealed to this Court, but our Supreme Court accepted his appeal on direct review.

In the per curiam decision it issued in *Okera*, our Supreme Court affirmed the ALC's ruling as follows:

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<sup>6</sup> See note 2 above.

This is a direct appeal from an order of the [ALC] dismissing the appeal from [SCDC's] denial of [Okera's] inmate grievance based on **his failure to comply with the relevant statute of limitations set forth in [Policy GA-01.12]. We affirm pursuant to Rule 220(b)(1), SCACR, and the following authorities: [Al-Shabazz] (approving [SCDC's] internal procedures for discipline and grievances, which specify a fifteen-day time limit for filing for grievances).** [emphasis supplied].

By its decision in *Okera*, our Supreme Court has implicitly affirmed the application of the fifteen-day filing deadline to a grievance in a posture identical to that of Cramer's grievance.

*See Toth, supra.*

SCDC, therefore, respectfully urges this Court to rehear and reconsider its opinion, and, in doing so, this Court should, under *Kiawah Dev. Partners, II* and *Blick*, defer to SCDC's proper interpretation of the definition of "policies/procedures" under Policy GA-01.12.

**IV. BY NOT REQUESTING AN EXTENSION OR WAIVER OF THE FIFTEEN-DAY FILING DEADLINE IN HIS STEP 1 GRIEVANCE OR OTHERWISE INDICATING IN HIS STEP 1 GRIEVANCE THAT HIS PRISON INDUSTRIES PAY CLAIMS CHALLENGED AN SCDC "POLICY" OR "PROCEDURE," CRAMER DID NOT COMPLY WITH PARAGRAPH 13.9 OF POLICY GA-01.12**

**A. THE COURT'S OPERATIVE FINDINGS AND RULINGS**

Before finding that the prison industries pay claim articulated by Cramer in his Step 1 grievance constituted a challenge to an SCDC "policy/procedure" and that SCDC arbitrarily and capriciously determined that Cramer's grievance constituted an "incident" grievance, the Court provided the following overview of Policy GA-01.12 (*Opinion*, p. 3):

[Policy GA-01.12] allows inmates to seek formal review of complaints. Guidance on how and when to submit a formal grievance is provided under [Policy GA-01.12] paragraph 13 titled "Steps in the Grievance Process." Grievances are broken into two categories: "incident" grievances and "policies/procedures" grievances. Paragraph 13.1 addresses the timeframe for submitting an incident grievance; this section provides, "If informal resolution [of a grievance] is not possible, the grievant will complete Form 10-5, Step 1, which is located in common areas, . . . and will submit the Form to an employee designated by the Warden . . . within 15 days of the alleged incident." (italics omitted).

Paragraph 13.9 addresses the timeframe for submitting a “policy/procedure” grievance; this section provides, “Exceptions to the 15 day time limit requirement *will* be made for grievances concerning policies/procedures.” [italicized emphasis supplied by this Court].

## B. THE COURT MISAPPREHENDED PARAGRAPH 13.9

In pertinent part, paragraph 13.1 of Policy GA-01.12 provides as follows:

Inmates must make an effort to informally resolve a grievance by either submitting a Request to Staff Member Form or by discussing their complaint with the appropriate supervisor/staff. However, in certain cases, informal resolution may not be appropriate or possible (e.g., when the matter concerns staff not working at the institution, or when the matter involves allegations of criminal activity). An informal resolution is not necessary when appealing a disciplinary conviction or a custody reduction. If informal resolution is not possible, **the grievant will complete Form 10-5, Step 1**, which is located in common areas, i.e., living areas, libraries, etc. **and will submit the Form to an employee designated by the Warden (not the Inmate Grievance Coordinator) within 15 days of the alleged incident. An inmate will submit a grievance within the time frames established in the policy.** [emphasis supplied].

In its entirety, paragraph 13.9 provides as follows:

**Exceptions to the 15 day time limit requirement will be made for grievances concerning policies/procedures.** Exceptions may also be made for incident grievances by the Chief/designee, Inmate Grievance Branch, provided that documented reasonable cause can be demonstrated as to why the original time frame was not met, e.g., inmate physically unable to initiate grievance due to hospitalization, court appearance, etc. **The waiver must be requested by the grievant.** [emphasis supplied].

SCDC respectfully argues that the Court overlooked the final sentence of paragraph 13.9 in its analysis of both the ALC’s decision and, more specifically, Cramer’s Step 1 and Step 2.

The following directions appear in parenthesis on the Step 1 form submitted by Cramer after the words “STATE GRIEVANCE” (R. p. 31): “include documentation, and date of incident; **if SCDC Policy, indicate which policy.**” [emphasis supplied]. In the section of the Step 1 form labeled “STATE GRIEVANCE,” Cramer wrote “See Attachment,” and he then

articulated his various prison industries pay claims on two (2) pages he attached to his Step 1 form. (R. pp. 31 and 33 – 34).

At the top of the first of the two (2) pages he attached to his Step 1 form, Cramer provided an incident date range of between May 2, 2005 and April 26, 2007, the date he wrote next to his signature on the Step 1 form. (R. pp. 31 and 33).<sup>7</sup>

Concerning his prison industries pay claims at issue in the instant appeal, Cramer wrote the following (R. pp. 33 – 34):

[Section 24-3-40(A)(5) and 24-3-40(B)(2)] created a liberty interest in escrowed wages wherein [Cramer] is entitled to complete and immediate access to the amount of his escrowed wages to distribute them to persons or entities of his choice at the time said wages were escrowed for [Cramer's] benefit, but [Cramer] is serving life without parole, and is denied access.

[Cramer] has a liberty interest earned on the amount complained of [above] at a guaranteed investment rate comparable to Treasury Bills or Certificates of Deposit.

In the section of the form labeled "ACTION REQUESTED," Cramer wrote only the following (R. p. 31): "Correct payment of all monies."

In the section labeled "SPECIFY HOW AND WHEN INFORMAL RESOLUTION WAS ATTEMPTED BY GRIEVANT," wrote only the following: "Not Applicable." (R. p. 31):

In the section of the Step 2 form labeled "INMATE'S REASON FOR APPEAL (state specific dissatisfaction)," Cramer again wrote "See Attachment," and he then articulated his challenges to SCDC's denial of the claims he articulated in his Step 1 on two (2) pages he attached to his Step 2 form. (R. pp. 41 – 43).

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<sup>7</sup> As reflected by its response to his Step 1, SCDC first paid Cramer for his prison industries labor on or about July 15, 2005, and it last paid him on or about January 1, 2010. (R. p. 36). The date stamp appearing on the top of his Step 1 form, as well as the top of the two (2) pages he attached to his Step 1 form, reflects that SCDC officials received Cramer's Step 1 on April 26, 2007. (R. p. 31 and 33 – 34). Thus, Cramer filed his grievance nearly two (2) years after SCDC first paid him for his prison industries labor, and, in accordance with §§ 24-3-40(A)(5) and (B)(2), nearly two (2) years after SCDC first deducted ten percent of his gross prison industries wages and placed these monies in an interest bearing escrow account for his benefit.

As discussed above, Cramer appealed SCDC's denial of his Step 2 to the ALC, and he wrote only the following on the pre-printed Notice of Appeal form he submitted to the ALC on March 5, 2014 (R. p. 49):

[Section 24-3-40(A)(5)] requires SCDC to deduct 10% of an inmate's wages and hold them "in an interest bearing escrow account for the benefit of the prisoner." [Section 24-3-40(B)(2)] provides the inmate with the "option of having his escrowed wages including in his estate or distributed to the persons or entities of his choice." SCDC is violating the provision of [§ 24-3-40(B)(2)] by not allowing me to distribute my escrowed wages to a person of my choice and is holding my escrowed wages in an account bearing little to no interest.

In none of the above-examined filings, including his Notice of Appeal to the ALC, did Cramer ever assert, contend, or otherwise state that he intended the claims he articulated in his Step 1 to constitute a challenge to SCDC "policies/procedures," nor did Cramer indicate any specific SCDC policy challenged by the claims he articulated in his Step 1.

Moreover, to the extent that he actually indicated or otherwise identified a particular SCDC policy he intended to challenge, Cramer simply did not ask SCDC to provide him an exception or waiver for the fifteen-day filing deadline as required by the final sentence of paragraph 13.9.

SCDC respectfully submits that the Court overlooked the impact of the final sentence of paragraph 13.9 on its analysis, and, as exemplified by his filings, SCDC also respectfully submits that nothing in the record demonstrates or otherwise confirms that Cramer ever sought such an exemption.

Consequentially, by applying the final sentence of paragraph 13.9 to Cramer's grievance, SCDC did not act in an arbitrary and capricious fashion as determined by the Court. SCDC respectfully urges this Court to rehear and reconsider its opinion, and, in doing so, this Court

should, under *Kiawah Dev. Partners, II* and *Blick*, defer to SCDC's interpretation of paragraph 13.9 of Policy GA-01.12.

## V. CONCLUSION

SCDC respectfully submits that by its opinion in the instant matter, this Court has eliminated any filing deadline associated with nearly every if not every conceivable type of prison industries pay claim capable of being asserted by current and former inmates who still participate or at one time participated in any type of prison industries project operated by SCDC. The ALC, however, recognized the significance and efficacy a limitations period upon the prison industries pay claims presented in his Step 1 grievance as follows (R. pp. 80 – 81):

[Cramer] claims that he is not grieving an incident, but is grieving SCDC's policy and procedure which prohibits [him] access to his escrowed wages. [Cramer] therefore argues that the fifteen day period to file a grievance is not applicable to him.

...  
If the Court agreed with [Cramer] that the fifteen day deadline is inapplicable because [Cramer] is challenging Policy and Procedure, then there would never be a deadline to file a grievance in regards to inmates' right to access escrowed wages. Therefore, the general rule of a fifteen day time limit to file a grievance would be swallowed by the expansive view of policy and procedure articulated by [Cramer].

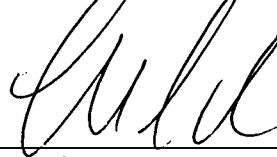
In *Stokes-Craven Holding Corp. v. Robinson*, 787 S.E.2d 485, 490 (S.C. May 25, 2016), our Supreme Court, relying upon an opinion issued by this Court, articulated the following principles concerning statutes of limitations:

“Statutes of limitations are not simply technicalities.” [*Kelly v. Logan, Jolley & Smith, L.L.P.*, 682 S.E.2d 1, 4 (S.C. Ct. App. 2009)]. “On the contrary, they have long been respected as fundamental to a well-ordered judicial system.” *Id.* “Statutes of limitations embody important public policy concerns as they stimulate activity, punish negligence, and promote repose by giving security and stability to human affairs.” *Id.* “One purpose of a statute of limitations is to relieve the courts of the burden of trying stale claims when a plaintiff has slept on his or her rights.” *Id.* (citations omitted). “Another purpose of a statute of limitations is to protect potential defendants from protracted fear of litigation.” *Id.* “Statutes of limitations are, indeed, fundamental to our judicial system.” *Id.* (citation omitted).

As illustrated above, our Supreme Court, in *Oker*, has already implicitly affirmed SCDC's application of a limitations period, i.e. the fifteen-day filing deadline from paragraph 13.1, to a grievance in which the inmate claimed that SCDC deprived him of his property by purportedly failing to pay him the lawful hourly wage for his prison industries labor.

For these broader considerations as well as the foregoing analysis of the points it overlooked and/or misapprehended in its instant decision, SCDC respectfully urges this Court to rehear and, obviously, reconsider its August 3, 2016 decision in this matter.

**RESPECTFULLY SUBMITTED,**



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Counsel for Respondent

Columbia, South Carolina  
September 6, 2016

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SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM THE SOUTH CAROLINA ADMINISTRATIVE LAW COURT

Carolyn C. Matthews, Administrative Law Judge

Appellate Case No. 2014-002172  
Unpublished Opinion No. 2016-UP-392

Joshua Cramer, #251406, ..... Appellant,

v.

South Carolina Department of Corrections, ..... Respondent.

PROOF OF SERVICE

I certify that I have served the Respondent's **PETITION FOR REHEARING** on the above named *pro se* Appellant by mailing a copy to him, first class postage pre-paid, at the following address:

Joshua Cramer, #251406  
Lieber Correctional Institution  
SA-17  
Post Office Box 205  
Ridgeville, South Carolina 29472

September 6, 2016

  
LAKE E. SUMMERS