

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

APPEAL FROM THE ADMINISTRATIVE LAW COURT  
Deborah B. Durden, Administrative Law Judge  
Case No. 16-ALJ-04-0709-AP

Appellate Case No. 2016-002347

Nathaniel Williams, #143329,

Appellant,

v.

South Carolina Department of Corrections,

Respondent.

INITIAL BRIEF OF APPELLANT

Nathaniel Williams, #143329  
HD235/KER.CI  
4848 Goldmine Hwy.  
Kershaw, SC 29067

pro se

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**SC Court of Appeals**

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STATEMENT OF ISSUES ON APPEAL

1. The ALC erred to have jurisdiction of Appellant's appeal.
2. The Appellant has a state created property interest for the loss of the loss of his inmate state pay that was grandfathered in January 1998.
3. The Appellant was reassigned to a job within 15 days of the date he found out that that the P.I. Plant officially closed.

## STATEMENT OF THE CASE

On March 8, 2016, I was reassigned to the dorm after Mr. Drakeford the former Prison Industry Plant Manager and Caseworker Braddy approved the same after they both informed me that the plant I was assigned to work has closed. I immediately submitted my request (kiosk) to the Financial Accounting Official, but there was no response regarding reinstatement of my inmate state pay that was grandfathered in January of 1998. I submitted my Step 1 grievance on 7/12/16, in which the warden denied my back pay from 3/8/16, and he stated that I was no longer eligible for inmate state pay because the plant closed January 15, 2016 and I did not obtain a new job within 15 days. I was not informed until 3/8/16 that the plant had officially closed, and I was still assigned to the plant because of special need skills. The Caseworker and Mr. Drakeford adamantly refused to transfer or reassign me to a new job because they both informed me that the plant was only lacking work but will be picking up soon, and that I will not be transferred to a new job. This was no fault of mine. I submitted my Step 2 grievance on 7/22/16, and it was denied on the same reason that I did not secure new employment within the time specified, and that I did not qualify for state pay, and will not be required to be repaid, and that I am no longer eligible for state pay rate. I submitted my appeal to the ALC in a timely manner, but it was dismissed based on reasons that stated there was no state created property interest implicated, and that the ALC have no jurisdiction. This appeal follow.

## ARGUMENTS

### 1. THE ALC DID ERRED TO HAVE JURISDICTION OF APPELLANT'S APPEAL.

The Appellant asserts that the ALC failed to take jurisdiction of his case under *Al-Shabazz v. State*, 527 S.E.2d 742 (2000), i.e. loss of state created property interest. SEE: ROA. pp. 1-2, South Carolina Department of Corrections Prison Industries Inmate Agreement that shows inmate pay was grandfathered in January 1998, the inmate pay in question Appellant seeks.

Appellant is entitled to the inmate state pay based on SCDC policies ADM15.13 (8.5), and OP.21.07. As such, the ALC acted arbitrary or capricious to deny him his inmate pay under §24-3-40, of S.C. Code.

Appellant is not complaining about matters relative to his work assignment, but he does complained about Mr. Drakeford, the former P.I. Plant Manager and Case-worker Braddy must follow SCDC policies and regulation in carrying out the legitimate purposes of the agency. SEE: *Triska v. DHEC*, 355 S.E.2d 531 (1987); and *Brown v. Evatt*, 470 S.E.2d 848 at 851 (1996); and *Crowe v. Leeke*, 259 S.E.2d 614 at 615 (1979).

Here, SCDC did not present no explanation on why Mr. Drakeford and Ms. Braddy failed to apply ADM.15.13, OP21.07, and OP21.04. There is no basis showing how failure to apply the foregoing policies are rationally grounded. Here the Appellant was led to believe that he was still assigned and employed in the P.I. Plant until 3/8/16, and that the proper procedure had been undertaken by Mr. Drakeford and Ms. Braddy. The wrong procedure was applied by ALC alsong with SCDC.

### 2. THE APPELLANT DOES HAVE A STATE CREATED PROPERTY INTEREST FOR THE LOSS OF HIS INMATE STATE PAY THAT WAS GRANDFATHERED IN JANUARY 1998.

Section 24-3-40, of S.C. Code created a property interest for Appellant to continue to receive his state inmate pay that was grandfathered in January of 1998. In addition SCDC policies ADM.15.13; OP21.07, and OP.21.04, in which he is entitled to back pay as well.

SCDC arbitrary or capricious violated policy ADM15.13(8.1) when they did not adhere to the same, when the policy and procedure is governed by SCDC. The wrong procedure was applied and no basis is given by SCDC as to why ADM15.13(8.1.) was not applied. *Brown v Evatt*, 470 S.E.2d 848 at 851 (1996); ROA pp1-2.

### 3. THE APPELLANT WAS REASSIGNED TO A JOB WITHIN 15 DAYS OF THE DATE HE FOUND OUT THAT THE P.I. PLANT OFFICIALLY CLOSED.

The Appellant was reassigned to a job in the unit when he was told on 3/8/16 by Mr. Drakeford and Ms. Braddy that the P.I. Plant has officially closed. At which time Mr. Drakeford and Ms. Braddy reassigned the Appellant to the dorm in which he was led to believe that the proper procedure had been undertaken by them both as stated in the SCDC P.I. Inmate Agreement (ROA pp. 1-2). SEE: *Triska v. DHEC*, 355 S.E.2d 531 (1987), DHEC must also follow its own regulations...in carrying out the legitimate purposes of the agency.

However, in an inmate context, significant discretion is available to SCDC, and given SCDC task of maintaining a orderly prison environment, the degree of allowed discretion is such that a reviewing body essentially concerned with SCDC actions were rationally grounded.

CONCLUSION

Appellant request that the appeal be granted and that the case be reversed and remanded for an evidentiary hearing to determine if inmate state pay is governed by SCDC policy and procedure and reinstate his eligibility for future state pay along with the back pay he is entitled.

Respectfully submitted,

s/ *Nathaniel Williams*  
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December 16, 2016

STATE OF SOUTH CAROLINA  
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Appeal from the Administrative Law Court  
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CERTIFICATE OF COUNSEL

The undersigned certifies that this Initial Brief of Appellant complies with  
SCACR 208.

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December 16, 2016

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SOUTH CAROLINA COURT OF APPEALS

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CERTIFICATE OF SERVICE

I, Nathaniel Williams, the Appellant, pro se, hereby certify that I have served the Initial Brief of Appellant, and Certificate of Counsel on Respondent this 16th day of December, 2016, by depositing a copy of the same in the U.S. Mail, postage prepaid, addressed to:

Christina C. Bigelow  
SCDC Assistant General Counsel  
P.O. Box 21787  
Columbia, SC 29221

s/ *Nathaniel Williams*  
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