

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Joseph Golson, #266765,
Appellant,
vs.
South Carolina Department of Corrections,
Respondent.

Docket No. 16-ALJ-04-0028-AP

ORDER OF DISMISSAL

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SC Court of Appeals

This matter is before the South Carolina Administrative Law Court (ALC or court) pursuant to the Notice of Appeal filed by the Appellant above named, who is incarcerated with the South Carolina Department of Corrections (Department).

The Appellant appeals the denial of his grievance in which he complained that a Department officer was negligent in assisting him in getting into a transportation van, and that he feels that there should be more "stepping materials for the inmate to get on and off the van." There is no contention by the Appellant that he has lost good time or failed to earn good time or that his sentence, sentence related credits or custody status have been erroneously calculated.

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

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

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).

When reviewing the Department's decisions in inmate grievance matters, the court sits in an appellate capacity. *South Carolina Dept. of Corr. 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's grieved issue is clearly not 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**.



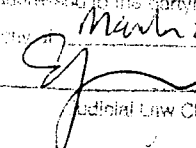
S. Phillip Lenski
Administrative Law Judge

March 18, 2016
Columbia, South Carolina

CERTIFICATE OF SERVICE

This is to certify that the undersigned has this date
delivered to the above entitled action upon all
parties to the cause by depositing a copy hereto,
in the United States Mail, postage paid, or in the interagency
mail system addressed to the party(ies) or their attorney(s).

this 18th day of March 2016

by: 
Judicial Law Clerk