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STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

SC Court of Appeals

Jermaine Gooden, 338253.

Appellant,

Docket No. 17-ALJ-04-0293-AP

Grievance No.: GCI 19-17

vs.

South Carolina Department of Corrections,

ORDER OF REMAND

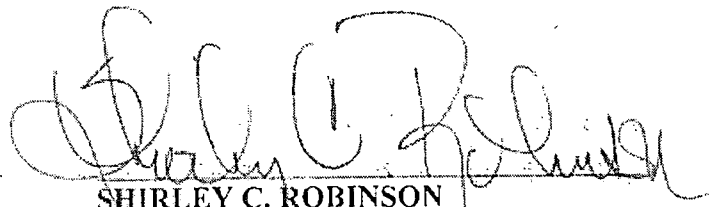
Respondent.

This matter is before the South Carolina Administrative Law Court ("the Court" or "the ALC") pursuant to the appeal filed by Jermaine Gooden ("Appellant"), an inmate incarcerated with the South Carolina Department of Corrections ("the Department" or "SCDC"). Appellant filed a step 2 grievance with the Department on April 4, 2017 asserting that he is entitled to two-hundred fifteen (215) days of pretrial detention time. On June 2, 2017, the Department issued a final agency response denying Appellant's grievance on the basis that the Department is in the process of recalculating inmates' sentences. On June 5, 2017, Appellant filed an appeal with this Court to the Department's decision asserting that he is entitled to two-hundred fifteen (215) days of pretrial detention time that the Department failed to calculate as a part of his sentence.

Because the Department denied Appellant's Step 2 grievance, it was procedurally proper for Appellant to appeal the matter before this Court. However, the Department has not truly made a final decision on the matter as the Department is in the process of recalculating inmates' sentences. Therefore, it would be premature for the Court to decide on this matter prior to the Department completing the process of recalculating the Appellant's sentence. See Bennett v. S.C. Dep't of Corr., 305 S.C. 310, 313, 408 S.E.2d 230, 231-32 (1991) (explaining that an administrative agency has the exclusive right to decide issues before it, subject only to appeal for judicial review of its decision following the exhaustion of administrative remedies).

Based on the foregoing, **IT IS HEREBY ORDERED** that this matter is **REMANDED**.

AND IT IS SO ORDERED.



SHIRLEY C. ROBINSON
Administrative Law Judge

FILED

June 15, 2017
Columbia, South Carolina

JUN 15 2017

SC ADMIN. LAW COURT