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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

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FEB 15 2017

SC Court of Appeals

Appellate Case No. 2016-002347

Nathaniel Williams, #143329,

Appellant,

v.

South Carolina Department of Corrections,

Respondent.

RECORD ON APPEAL

Christina C. Bigelow
4444 Broad River Road
Columbia, SC 29210

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

pro se

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**SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
PRISON INDUSTRIES
INMATE AGREEMENT**

I, _____, Department of Corrections
Inmate # _____, agree to the terms and conditions regarding the
disposition of wages I may receive in the Private Sector/Prison Industries and I
understand that my participation in this program is completely voluntary.

As a voluntary participant, I understand the Director of Corrections will specify the
deductions from my wages received under the Private Sector/Prison Industries program
in accordance with South Carolina Code Section 24-3-40, in the following priority:

1. State and Federal Income Taxes;
2. Social Security deductions;
3. Twenty percent (20%) contribution to:
 - a. Court ordered payments to a particular victim(s);
 - b. Court ordered restitution; or
 - c. Victim's Compensation Fund;
4. Thirty-five percent (35%) for child support **OR**
Twenty-five percent (25%) for room and board;
5. Ten percent (10%) to long term savings;
6. Remainder to Inmate Cooper Account.

These deductions from gross wages may not exceed 80% of gross wages.

I understand that I will be required to work up to an eight hour day as required by Prison
Industries and will be paid only for those hours worked. I further understand that I may
have to work shift work and a reasonable amount of overtime. As an Inmate of the South
Carolina Department of Corrections, I am not considered an employee of the State of
South Carolina and I am not eligible for State offered benefits.

I agree that my assignment to Prison Industries will be for a minimum of one year,
provided I meet established production and quality standards, maintain a cooperative
attitude and adhere to the conduct rules and all policies and procedures established by the
South Carolina Department of Corrections. I understand that I may be terminated by the
South Carolina Department of Corrections for security, safety or custody reasons, failure
to meet established production and quality standards, failure to maintain a cooperative
attitude or failure to adhere to the policies, procedures and conduct requirements of the
Department of Corrections.

I further understand that should I be transferred out of the Private Sector/Prison Industry
Program and return to the general population of the Institution, my pay will revert to the
regular Inmate wage scale if my pay was grandfathered in January of 1998. I also
understand that Institutional work assignments are not voluntary (they are mandatory),

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and I will be expected to work at a job within the Institution. Furthermore, I understand that I will not be guaranteed the same job. Earned work credit will be based upon custody designation.

If I am serving life in prison, I will be given the option of having my escrowed wages included in my estate or distributed to persons or entities of my choice. There is an inmate beneficiary form available.

I understand and agree that I am not an employee of the private sector industry,

_____ to which my labor is being leased. I further agree that should I have any grievance or complaint relating to my participation with or termination from the industries program that I will address my complaint with SCDC and NOT the private sector industry. I further understand that any legal actions/suits/claims relating to my participation in the industry program should be brought against SCDC and NOT the private sector industry.

I understand that SCDC makes all final determinations regarding hiring and firing of Private Sector/Prison Industry Program participants.

I agree that in order to work in the Private Sector/Prison Industry Program I must provide proof of obtaining a High School Diploma or GED, or I must be actively attending school working toward a GED. If for any reason I am dropped from school, I will be terminated from my job.

I agree that I have not been found guilty or admitted being guilty of a security violation in the last six (6) months. If during my employment I am found guilty of a security violation, I will be terminated from my job.

In witness thereof, I have voluntarily signed this agreement in the presence of an agency representative.

Inmate Signature

P.I. Business Manager

Date

Date

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Nathaniel Williams, #143329,

Appellant,

vs.

South Carolina Department of Corrections,

Respondent.

Docket No. 16-ALJ-04-0709-AP

Grievance No. KRCI 0975-16

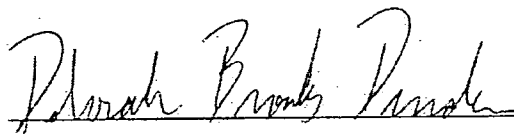
ORDER OF DISMISSAL

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

Inmate appeals the decision of SCDC denying his Grievance which complained about matters relative to his work assignment. He (a) was not sanctioned with the loss of any good time credits; (b) made no claim for the loss of any other state created liberty or property interest; and, (c) made no contention that his sentence, sentence related credits or custody status has been erroneously calculated. There is clearly no state created liberty interest implicated here.

In Altizer v. Paderick, 569 F.2d 812 (4th Cir. 1978), the Fourth Circuit Court of Appeals held that classifications and work assignments are discretionary matters for prison administration and are not within the reach of the procedural protections of the Due Process Clause. Under Slezak v. S.C. Department of Corrections, 361 S.C. 327, 605 S.E.2d 506, (2004), the Administrative Law Court is to have jurisdiction of all properly perfected inmate appeals but "Summary dismissal may be appropriate where the inmate's grievance does not implicate a state created liberty or property interest." Such is the case here.

Therefore, for the foregoing reasons this appeal is hereby **DISMISSED, WITH PREJUDICE.**



Deborah Brooks Durden, Judge
S.C. Administrative Law Court

October 19, 2016
Columbia, South Carolina

CERTIFICATE OF SERVICE
This is to certify that the undersigned has this date served this order in the above entitled action upon all parties to this cause by depositing a copy hereof, in the United States mail, postage paid, at the Interagency Mail Service addressed to the party(ies) or their attorney(s).
This 19th day of October 2016
By: R. S. Lee
Judicial Law Clerk

FILED

OCT 19 2016

SC ADMIN. LAW COURT

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM

STEP 2 JUL 25 2016

DUE
7/25/16

INMATE NAME: Nathaniel Williams

SCDC NUMBER: 143329

INSTITUTION: kershaw

HOUSING UNIT: HD-235

WORK ASSIGNMENT: Division Industry

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AUG 08 2016

INMATE GRIEVANCE

Office Use Only
Grievance No. KRME-0075-16
Code: General
Policy my/BN
Disc. Hear. _____
Class. _____
Date Received 7/25/16
IGC Initials AK

INMATE'S REASON FOR APPEAL (state specific dissatisfaction): Ms. Flynn is intentionally and willfully acting arbitrary and capricious and her decision is made upon an unlawful procedure because under ADM-15.13(8.1), SCDC policy, transfer must be approved by both the losing and gaining supervisors. Mr. Drakeford the former P.I. Plant supervisor did not approve a transfer to any other job assignment based on the fact that he informed me and other inmate workers that we will be going back to work soon, and that he needed experience workers to stay on in the plant for business purposes. I did not failed to work, nor was I terminated from the job. I was still assigned to the P.I. work roster job assignment under ADM-15.13(8.5), and under administrative reasons by Mr. Drakeford's authority. All terminations must be approved by institution classification committee, and supervisors must provide adequate documentation to support the termination of an inmate's job assignment pursuant to SCDC procedure OP-21.07. These terminations may be grievable in accordance with SCDC procedures related to the inmate grievance system. I do not have no disciplinary. Therefore, reinstate my inmate pay, an additional 3 pay periods owed to me.

Nathaniel Williams 7/22/16
Grievant Signature Date

RESPONSIBLE OFFICIAL'S DECISION AND REASON:

I have reviewed your concern. In your grievance you stated that you want your state pay rate reinstated and back pay for three (3) pay periods. The Warden responded to your concern on SCDC Inmate Grievance Form Step 1 dated July 19, 2016. The plant where you were assigned to work closed January 15, 2016. This was considered a termination of your job assignment. SCDC Policy ADM15.13, Inmate Pay, provides that upon voluntary transfers and job terminations, "The inmate will be paid for days worked and will continue to be eligible for inmate pay if the reassignment is completed within 15 days." You did not secure new employment within the time specified. Although you did not qualify for state pay in June and July, you will not be required to repay the same. However, you are no longer eligible for state pay rate.

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.

[Signature] 8/25/16
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.

Nathaniel Williams 9-13-16
Grievant Signature Date

[Signature] 9/13/16
IGC Signature Date

(SEE REVERSE SIDE FOR INSTRUCTIONS)

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

INMATE GRIEVANCE FORM

STEP 1 JUL 13 2016

0907-14

INMATE NAME: <u>NATHANIEL Williams</u>	OFFICE USE ONLY
SCDC NUMBER: <u>143329</u>	Grievance No. <u>KACE 0975-16</u>
INSTITUTION: <u>Kershaw C.I.</u>	Code: General <u>MY/BM</u>
HOUSING UNIT: <u>Hickory D-235</u>	Policy _____
WORK ASSIGNMENT: <u>(P.I.) Division Industry</u>	Disc. Hear. _____
	Class. _____
	PREA _____
	Date Received <u>7/12/16</u>
	IGC Initials <u>JN</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.)

GA-01.12(7.1)(13.9) Policies/Procedures. This policy tells me that this issue is grievable issue because it's day to day operation. The (3) day working does not apply. I've been in SCDC since 1988 and I have never had a major charge. There's no reason my state pay shouldn't be reinstated. Now state policy #ADM-15.13(COP) supersedes 700.6 (April 20, 1995) states that my credentials is by policy. I was transferred to the dorm 3-8-16. I wrote Ms. Cawthon three request (kiosk) 3-15-16 (#16-047768) 5-9-16 (#16-127282) and 5-16-16 (#16-133340) and nothing has been done. I received back pay here on 6-14-99 by way of grievance. I last received state pay at Broad River Correction from 2-24-03 until 8-9-04. I was transferred that would stop my state pay. I've never had charges since do not understand the problem in this matter.

Thank you!

Nathaniel Williams 7-12-16

Grievant Signature Date

ACTION REQUESTED: Reinstatement and three pay period back pay by policy #ADM-15.13(COP) supersedes 700.6 because this is no fault of mine

ACTION TAKEN BY IGC: PROCESSED UNPROCESSED OTHER

Due to nature of grievance. See Warden's response

P. Noriega 7/13/16

IGC Signature Date

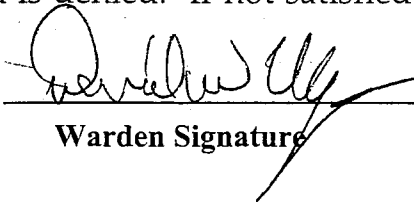
(CONTINUE ON REVERSE SIDE)

WARDEN'S DECISION AND REASON:

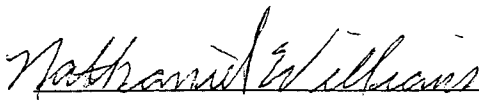
Inmate Williams;

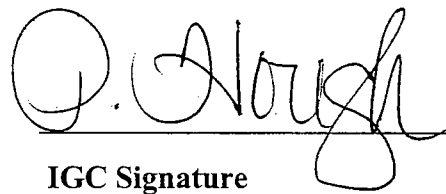
This is in response to KRCI-0975-16. All pertinent information and documentation has been reviewed. Nothing has been found to substantiate your allegations that you are entitled to back time inmate state pay. Policy ADM-15.13 Inmate Payment, section 8.1 Voluntary transfers and job terminations states if any inmate request a job transfer within his/her institution, the transfer must be approved by both the losing and gaining supervisors and by the Institutional Classification Committee. The inmate will be paid for days worked and will continue to be eligible for inmate pay if the reassignment is **completed within 15 days**. Mrs. Flynn, Financial Accounting at Headquarters was contacted and verified that because the plant closed on January 15, 2016 and you did not obtain a new job within 15 days, you are no longer eligible for inmate state pay.

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


Warden Signature 7/19/16
Date

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


Grievant Signature 7-20-16
Date


IGC Signature 7/20/16
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 on 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.

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v.

South Carolina Department of Corrections,

Respondent.

CERTIFICATE OF SERVICE

I, Nathaniel Williams, the Appellant, pro se, hereby certify that I have served the Record on Appeal on Respondent this 10th day of February, 2017 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*
Nathaniel Williams, #143329
HD235/KER.CI
4848 Goldmine Hwy.
Kershaw, SC 29067