

THE STATE of SOUTH CAROLINA

In the Court of Appeals

Appeal from the South Carolina Administrative Law Court
H.W.Funderburk, Jr., Administrative Law Judge
Appellate Case No. 2018-001321

James Allen # 171214 _____ Respondent
South Carolina Department of Corrections _____ Appellant

Respondents Initial Brief

Response to Appeal

On June 20, 2018 the ALC issued it's "Final Order" concerning Allen's appeal. By its order ALC affirmed in part and reversed in part SCDC's final decision regarding Allen's challenges to his private sector through prison industries pay.

SCDC appeals the ALC's order, but as reflected by it's July 18, 2018 Notice of Appeal it appeals only part of rulings issue by the ALC.

Allean's work records and pay alone has shown ALC that as in Torrence and Ward v. SCDC, that SCDC removed money remitted by the private industry sponsor and then disburses the percentages listed in S.C. Code Ann. (24-3-40) based on the lower rate. [SCDC] would be in violation of the plain language of the statute which directs it to disburse the money based on the gross wages, see [24-3-40] (A).

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ALC clearly ordered that [SCDC] must classify the entire contract amount as the hourly gross wages and training period covered by contract, and calculate deductions and distributions from [Allen's] set forth in [24-3-40] (A).

This Court should take note that Allen's Step 2 Grievance Appeal dated August 3, 2007 was held by SCDC's attorney Lake Summers until March 28, 2016 before giving a response, in order to stall from paying money owed to Allen by SCDC. This money owed to Allen is money SCDC illegally took from Allen and SCDC isn't losing a penny they're just paying back what they never should have taken from Allen's hourly wages.

Conclusion

To prevent anymore stalling by SCDC and since the ALC has made the correct ruling after all facts were presented, I respectfully urge this Honorable Court to uphold the ALC's ruling by dismissing SCDC's appeal.

S/ James Allen
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Proof of Service

I certify that I have served the Respondents
initial brief on the below named SCDC Attorney
Lake Summers, by mailing a copy to him, first
class postage pre-paid, at the following address:

Lake E. Summers
Malone, Thompson, Summers & Ott LLC
339 Heyward Street, Suite 200
Columbia, S.C. 29201

DATE 12-31-18

SI *James Allen*

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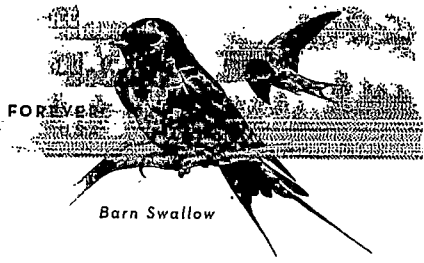
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