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SC Court of Appeals

The State of South Carolina
IN COURT OF APPEALS

Appeal From The South Carolina Administrative Law Court
H. W. Funderburk, Jr. Administrative Law Judge

Appellate Case No. 2018-001324

Prose: Reyes Cabrera-Peña # 265665 Respondent
South Carolina Department of Corrections Appellant
Respondents Initial Brief

Response to Appeal

on June 20, 2018. The ALL issued its "Final order" concerning Peña's Appeal. By its order ALL affirmed in part and reversed in part SCDC's final decision regarding Peña's challenges to his private sector through prison industries pay.

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

Peña's work record and pay alone has showing ALL 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 SC. 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)].

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 [Peña's] set forth in [24-3-40] (A).

This Court should also take note that Peña'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 Peña by SCDC. This money owed to Peña is money SCDC illegally took from Peña and SCDC isn't losing a penny they're just paying back what they never should have taken from Peña'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/ Reyes Cabrera-Peña

Prose: Reyes Cabrera-Peña

PCI QIA-219 #265665

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Reyes Cabrera-Peña #265665 Respondent.
South Carolina Department of Corrections Appellant.

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
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Date: Dec 26, 2018

s/ Reyes Cabrera-Peña
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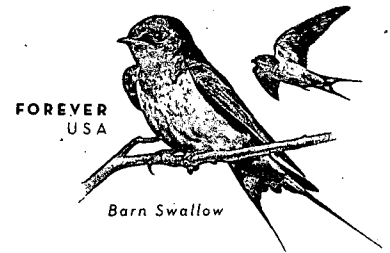
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