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JAN 14 2019

The State of South Carolina  
In Court of Appeals

P.C.I. MAILROOM

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

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Respondents Final Brief

SC Court of Appeals

Response to Appeal

on June, 20, 2018, The ALC, issued its "Final Order" concerning James Allen, Appeal by its order ALC, Affirmed in Part and reversed in Part, SCDC, Final decision regarding, James Allen. Challenges to his Private Sector through Prison industries Pay.

SCDC, Appeals the ALC's Order but as reflected by its July 18, 2018 Notice of Appeal it Appeals only Part of rulings issue by the ALC.

James Allen 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 Percentage 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)].

ALC clearly ordered that [SCDC] must classify the entire contract amount as the hourly gross wages and training period covered by contracts and calculate deductions and distributions from James Allen set forth in [24-3-46] (A)

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

James Allen # 171214

Perry Correctional Institution

430, Oaklawn. Rd.

Pelzer. SC, 29669

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H.W. Funderburk, Jr. Administrative Law Judge  
Appellate Case No. 2018-001321

James Allen # 171214 — Respondents  
South Carolina Department of Corrections — Appellant.

### Proof of Service

I certify that I have served the Respondents  
Final 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 + O'LLC  
339, Hey Ward Street, Suite 200  
Columbia, SC, 29201

Date: 1-14-2019 *SI James Allen*

James Allen # 171214

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Pelzer, SC, 29669

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SC Court of Appeals

To: Jenny Abbott Kitchings

January 14-2019

In Response to your letter dated 1-8-2019

You stated that I needed to pay a filing fee  
of \$50.00

First and Foremost, I am an Inmate that is indigent  
and can not pay this fee.

Secondly, I am Pro.se: with very little of understanding  
of Court Procedures

Third, I am the Respondent in this case. and Rule 222  
of Appellate rules, It states that the Appellant shall  
pay all Court Costs.

Fourth, This Appeal stems from Previous Grievance  
Filed and Final Order by ALC. The Appeal was made  
by SCDC there fore they should pay any Court  
Costs, Especially after the fact I'm an inmate,  
I'm indigent and I'm the respondent in this case

S/ James Allen

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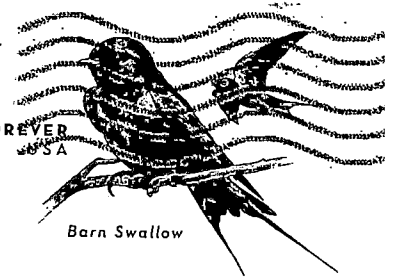
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South Carolina Court of Appeals  
Jenny Abbott Kitchings Clerk  
Post office Box 11629  
Columbia South Carolina 29211

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