

THE STATE OF SOUTH CAROLINA

In The Court Of Appeals

APPEAL FROM ADMINISTRATIVE LAW COURT

John D. McLeod, Administrative Law Judge

South Carolina Department Of Corrections.....Respondent,

v.

Julian Ford, Jr.,.....Appellant.

AMENDED RECORD ON APPEAL

Julian Ford, Jr., #155800

Hickory Unit D - 140

Kershaw Corr. Inst.

4848 Goldmine Hwy.

Kershaw, S.C. 29067

Appellant Pro, Se

Christopher D. Florian, Esq.

P.O. Box 21787

Columbia, S.C. 29221-1787

RECEIVED

NOV 9 2012

SC Court of Appeals

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with all attachments
(July 20,2012 Order of ALJ Judge already Filed in Original Record

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM

STEP 1

INMATE NAME: Julian Ford
SCDC NUMBER: 155800
INSTITUTION: Kershaw C.I.
HOUSING UNIT: Hickory Unit D - 140
WORK ASSIGNMENT: Prison Industries

SEP 14 2011
RECEIVED
SEP 16 2011
KENC
GRIEVANCE

Office Use Only
Grievance No. 1206 1570 11
Code: General _____
Policy _____
Disc. Hear. _____
Class. _____
Date Received 9/16/11
IGC Initials PK

STATE GRIEVANCE (include documentation, and date of incident; if SCDC Policy, indicate which policy)

On August 3, 2011 I was informed by Classification Case Worker Ms. Baker that I had not worked for Seven (7) Months between 1995 and 1996, and I explained to her that there must be a mistake because I have always worked during my entire incarceration, the matter was referred to Ms. York, Classification Supervisor who informed me as of today's date September 13, 2011 that she reviewed my Record and that there is no Documentation to support my claims, that I am Entitled to Work Credits during that time period. I would further state that Ms. York stated that I had been Terminated from a Job at that time, and she checked the Record and the Record does not contain an SCDC Form 19-54 that must be entered by the Terminating Supervisor, as required by SCDC Policy OP-21.04, Sect. 48.2 Terminations, nor was the alleged termination approved by the Inmate Classification Committee, as is required by the stated policy, nor is there any Record that I was given an SCDC Form 19-123 "EWC Performance Evaluation" explaining the circumstances surrounding the termination, and is in Violation of SCDC Policy OP-21.04

ACTION REQUESTED:

I request that I be given my Earned Worked Credits for the Seven (7) Months that classification said that I did not work between 1995 and 1996, whereby the SCDC's ICC Committee cannot provide proof that I was properly terminated, and that I did not work for the time period stated.

SPECIFY HOW AND WHEN INFORMAL RESOLUTION WAS ATTEMPTED BY GRIEVANT:

I wrote Ms. Bryant in the Kershaw C.I. Financial Office and asked her to pull up my State Pay during that time period but she did not send Ms. York the information for 1995 to 1996 which will show where I was working because the Inmate have to signe for the pay, and it shows where the Inmate worked.

Julian Ford 9-13-11
Grievant Signature Date

ACTION TAKEN BY IGC:

IOC conferred with Case Manager, Mrs. York. See Warden's Response.

O. North 10/21/11
IGC Signature Date
N/A
Grievant Signature Date

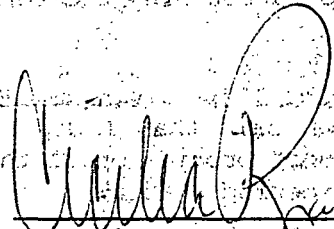
- I accept the action taken by the IGC and consider the matter closed.
- I do not accept the action taken and wish to appeal.

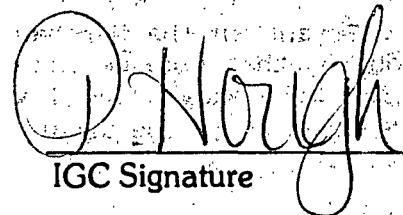
WARDEN'S DECISION AND REASON:

Inmate Ford;

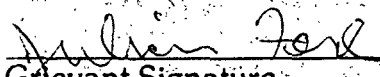
This is in response to KRCI-1570-11. All pertinent information and documentation has been reviewed. Nothing has been found to support your allegations that you worked seven months between 1995 and 1996. Case Manager, Mrs. York was interviewed and she indicated that documentation is required to substantiate your allegation. No error has been found to indicate that your EWC is incorrect.

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


Warden Signature 11-2-11
Date


IGC Signature 11/7/11
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 11-7-11
Date

INSTRUCTIONS FOR COMPLETING STEP 1 GRIEVANCE FORM

1. An informal resolution shall be attempted prior to the filing of Step 1.
2. Complete each section in its entirety, writing only in the space provided for inmate use.
3. Only one (1) issue is to be addressed on each form.
4. Submit the completed form to the Institutional Grievance Coordinator within fifteen (15) days of an alleged incident; policy grievances at any time. 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, via the Institutional Grievance Coordinator.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM

STEP 2

WUE
11/2/11

Office Use Only

INMATE NAME: Julian Ford, Jr.
SCDC NUMBER: 155800
INSTITUTION: Kershaw C.I.
HOUSING UNIT: Hickory Unit
WORK ASSIGNMENT: P.I.

RECEIVED
NOV 08 2011

NOV 09 2011

NOV 16 2011

RECEIVED
INMATE GRIEVANCE

Grievance No. KRCE-1370-11
Code: General
Policy
Disc. Hear.
Class.
Date Received 1/19/11
IGC Initials PLH

INMATE'S REASON FOR APPEAL (state specific dissatisfaction):

I appeal the Warden's Decision because she nor anyone else have responded to my request to have someone to look into the Old State Pay Records to see where I was working at that time, I know that I was assigned to the Education Department at that time, I was sent from CCI to Broad River, I believe in August of 1993, I only worked in Horticulture, and Auto Body Class, and I was assigned to the School until I went to work in P.I. in 1996, I never worked anywhere else, I was assigned as a Student in the GED Class, by the then Principal Paul Ulmer, after which I only worked in P.I., if the SCDC Financial Office would look at my Inmate Pay Records at that time, this matter can be easily resolved. I am only seeking what I have earned, but there is no way that I as an Inmate can access SCDC Files to get the proof to support my claims, therefore I am greatly disappointed and dissatisfied with the warden's response, the SCDC is placing the responsibility on me to produce Documents that I have no access to, it is impossible for me to produce the necessary proof, and to add insult to injury, the SCDC is not complying with its own policies and procedures under OP-21.04, Sect.48.2 Terminations.

Julian Ford, Jr. 11-7-11
Grievant Signature Date

CC:File

RESPONSIBLE OFFICIAL'S DECISION AND REASON:

I have reviewed your grievance and the facts. Agency records indicate that your current projected release date of January 13, 2014 is accurate and all sentence-related credits (Earned Work Credits, Good Time credits, etc) have been applied accordingly. Warden Reynolds addressed your concerns appropriately on your SCDC 10-5, Step 1 Inmate Grievance Form.

Therefore, your grievance is denied.

You may appeal this decision under the Administrative Procedures Act to the Administrative Law Court. 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.

JAMES S. ... 3/21/12
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.

Julian Ford 3-29-12
Grievant Signature Date

[Signature] 3/29/12
IGC Signature Date

(SEE REVERSE SIDE FOR INSTRUCTIONS)

July 14, 2004

Ford, Julian, SCDC #155800

100% of Ten (10) Years = 3600 Days

will satisfy 10 Years (12/17/92 – 09/08/98) = 2061 Days OR 5 yrs., 8 mos., 21 days

2061 Divided By 3600 = 57.25 %

100 % of Thirty (30) Years = 10,800 Days

will satisfy 30 Years at present earning levels (09/08/98 – 06/17/14) = 5679 Days OR 15 yrs., 9 mos., 9 days

5679 Divided By 10,800 = 52.58 %

57.25 %

+ 52.58 %

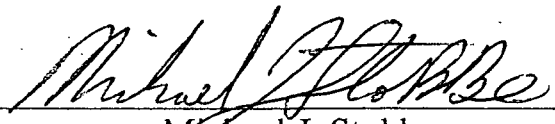
MJS

109.89 Divided By 2 = 54.91 % (Average for Confined Segments of 40 Yr. sentence)

Again, percentages noted only in response to your inquiry. Each inmate satisfies their sentence(s) based on individual service time, good time and EWC and EEC earnings.

Per Assistant General Counsel Kelli Maddox, Statute 24-13-40 (see attached) provides for the computation of time served by inmate.

Should you have further questions, please contact your Classification Caseworker.

S/ 
Michael J. Stobbe

MJS: lam

Attachment(s)

cc: Central Record

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW JUDGE DIVISION

_____,)
)
Julian Ford, Jr. Appellant,)
)
vs.)
)
South Carolina Department of Corrections,)
)
)
Respondent.)
_____)

NOTICE OF APPEAL

Docket No. 00-ALJ-04-_____-AP

Notice is hereby given that Julian Ford, Jr., #155800 does hereby appeal the final decision of the South Carolina Department of Corrections dated 3-4-12 and received on 3-29-12, a copy of which is attached. A general statement of the grounds for appeal is (See S.C. Code Ann. § 1-23-380(A)(6)):

Appellant has now recovered Classification
Six Month Review Documents that proves that he was assigned to school from July
1995 through April 1996, whereby SCDC says that there was a "Glitch," in the
System during the 1990's and that they did not have any record of me being in
school, attached are documents of proof, I am owed 10 Months of Good Time, Work
Credits, etc., whereby I was assigned to School as a Job but do to the glitch I
was forced to serve 10 months of dead time. Attorney Tommy Thomas has since
presented these documents to the SCDC for corrections of Max-Out and Supervised
Furlough Dates. I have served 10 Months or more on the 10 yr. Non-Violent
Sentence, over the time I'm required to serve by the laws at the time of sentence

Julian Ford, Jr.
Appellant's Name

Julian Ford, Jr.
Signed

Kershaw C.I., 4848
Mailing Address

April 10, 2012
Dated:

Goldmine Hwy,

Kershaw, S.C., 29069
City, State, Zip Code

Telephone Number

DISPOSITION OF RECLASSIFICATION REVIEW

INMATE NAME: FORD, JULIAN - SCDC NUMBER: 15E
DATE OF RECLASSIFICATION REVIEW: 04/02/96 CURRENT LOCATION: 02

- 1) PROJECTED RELEASE AND PROGRAM ELIGIBILITY DATES AS OF: 07/26/95
 - A) SENTENCE EXPIRATION (MAXOUT) 01/08/17
 - B) INITIAL PAROLE ELIGIBILITY / /
 - C) NEXT SCHEDULED PAROLE HEARING 00/00/00
 - D) WORK RELEASE ELIGIBILITY 99/99/99
 - E) INMATE WORKER ELIGIBILITY 99/99/99

2) DATES (ABOVE) ARE BASED ON THE FOLLOWING INFORMATION:

YRS MO DYS

- A) CURRENT SENTENCE SERVING 40 0 0
- B) SENTENCE START DATE 12/17/92
- C) CURRENT EWC LEVEL/ASSIGNMENT NO JOB.
- D) CURRENT EEC LEVEL/ASSIGNMENT

3) RECLASSIFICATION REVIEW: *Education/Student*

- A) YOUR CUSTODY/SECURITY LEVEL PRIOR TO REVIEW CL4
- B) YOUR REVIEW RESULTED IN A NET SCORE OF 479 WHICH INDICATES BL4 CUSTODY/SECURITY LEVEL
- C) THE CLASSIFICATION COMMITTEE:

4) THE PROPOSED ACTION REQUIRES FURTHER APPROVAL BY THE FOLLOWING AUTHORITIES:

WARDEN *On 4/8/96, Warden Cepak approved your advancement to BL4. He also approved your transfer to Lee C.I. Your paperwork has been forwarded to HOTS for a final decision. You will be notified*

(YOUR CLASSIFICATION CASEWORKER WILL NOTIFY YOU WHEN A FINAL DECISION IS MADE)

5) YOUR NEXT RECLASSIFICATION REVIEW IS SCHEDULED FOR 10/95

6) RECOMMENDATIONS FOR YOUR NEXT REVIEW PERIOD ARE AS FOLLOWS:

- 1. *job assignment*
- 2. *C Star Phase 1*
- 3. *Adult ed. 9-12 (continue)*

7) COMMENTS:

Six month review completed. Scored for advancement BL4. Request transfer to Lee C.I. Signed waiver, reviewed individually.

Quill Dittle _____ *4/9/96*
CLASSIFICATION SUPERVISOR OR CASEWORKER DATE

CC: INSTITUTIONAL RECORDS
CENTRAL RECORDS

DISPOSITION OF INMATE REQUEST

Name:

Julian Ford

SCDC #:

155800

LOCATION [Institution or Center]:

Broad River Correctional Institution - Monticello Unit

YOUR REQUEST DATED

10-1-96

19

CONCERNING THE FOLLOWING

- 1. Good Time Restoration:
- 2. Job Assignment:
- 3. Work Release:
- 4. Employment Release:
- 5. Addition to Visiting List:
- 6. Transfer:
- 7. Employment Program:
- 8. Educational Release:
- 9. Custody Change:
- 10. Appeal of Adjustment Committee Action:
- 11. Earned Work Credit
- 12. Release Date:
- 13. Inmate Pay:
- 14. Protective Custody:

Other [specify]:

Six months Needs Assessment

has been

Approved/Granted (),

Disapproved/Denied (),

EXPLANATION:

Please be advised on 10-7-96 we met for your individual 6 month review. You were advised to participate in the following program(s):

- 1. C-Star Phase II
- 2. Adult Ed 9-12
- 3.

Your current projected parole eligibility date is 00-00-00. and your current projected max-out date is 06-09-14. Your next scheduled review date is 04-97. Your current custody level is BLY. If you have any questions, please contact me.

Original: Inmate
cc: Inmate's Original Record
Warden's Inmate Record
File Copy

S/ Lewis E Pressley

Title: Classification Caseworker

Date: 10-7-96

Tommy A. Thomas

ATTORNEY AND COUNSELOR AT LAW

**TELEPHONE:
(803) 732-5507
(803) 732-5508**

**HARRINGTON BUILDING
7588 WOODROW STREET
IRMO, SOUTH CAROLINA 29063**

**PLEASE REPLY TO:
PO Box 88
IRMO, SC 29063**

**FACSIMILE:
(803) 781-4226**

**INMATE LINE
(803) 732-6542**

March 12, 2012

Julian Ford #155800
Kershaw County Correctional Institution
4848 Goldmine Hwy.
Kershaw, SC. 29067

Dear Julian:

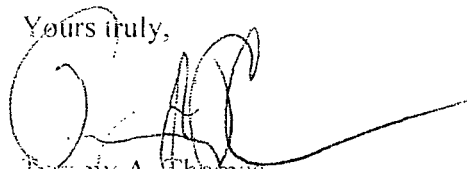
I am in receipt of your letter dated February 16, 2012 and wanted to update you my progress in attempting to determine if the South Carolina Department of Corrections is in error by not giving you Earned Work Credits during the period of July, 1995 through April, 1996. It appears from your SCDC Record Summary that you are not receiving EWC through this time.

After contacted the SCDC Legal Department, State Classification as well as Inmate Records, I was instructed to send a request to Inmate Records for someone to go through your file to search for a job reassignment for from July 24, 1995 thought April 11, 1996. Today, I received a memo indicating that there was no job assignment paperwork in your file during that time frame.

From my conversation with Cooper's Trust Fund they indicated that there was a glitch in their system during the 1990's where whether you were working or not, you got paid the "default" pay. They indicated that just because you were receiving pay, did not mean that you were working.

After a review of the letters you sent me, it appears from one of them that you indicate that you did not have a job during this time, but that you were in school and should have been earning educational credits. I need to know if you were working during the time frame of July, 1995 and April, 1996.

Yours truly,



Tommy A. Thomas,
Attorney at Law

TAT/jem

CERTIFICATE OF APPELLANT

The undersigned Appellant hereby certifies that this Amended Record On Appeal contains all material proposed to be included by any of the parties and not any other material.

Date: November 15, 2012

S/ Julian Ford, Jr.

Julian Ford, Jr., #155800

Hickory Unit D - 140

Kershaw C.I.

4848 Goldmine Hwy.

Kershaw, S.C. 29067

Appellant Pro, Se

RECORDED

NOV 21 2012

SC Court of Appeals

THE STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal From The Administrative Law Court

The Honorable John D. McLeod, Administrative Law Judge

Case No.2012-212645

S.C. Department Of Corrections.....Respondent,

V.

Julian Ford,Jr.,.....Appellant.

PROOF OF SERVICE

The above named Appellant Swears under the Laws of Perjury that he Mailed the Original Amended Record On Appeal to the S.C. Court Of Appeals, Ms. Jenny A. Kitchings, Chief Clerk, P.O. Box 11629, Columbia, S.C. 29211, and One Copy to the S.C. Department Of Corrections, Christopher D. Florian, Deputy General Counsel, P.O. Box 21787, Columbia, S.C. 29221-1787, by depositing the same in a stamp addressed envelope in the U.S. Mail Box at the Kershaw Correctional Institution.

Date: September 5,2012

RESPECTFULLY SUBMITTED,

Julian Ford, Jr.

Julian Ford,Jr., #155800

Hickory Unit D - 140

Kershaw C.I.

4848 Goldmine Hwy.

Kershaw, S.C. 29067

Appellant Pro,Se

CC: Christopher D. Florian, Esquire