

**STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT**

Brian Boseman, #238770, )  
 )  
 Appellant, )  
 )  
 vs. )  
 )  
 South Carolina Department of Corrections, )  
 )  
 Respondent. )  
 )  
 \_\_\_\_\_ )

Docket No. 18-ALJ-04-0525-AP

**ORDER OF DISMISSAL  
RECEIVED  
APR 01 2019  
SC Court of Appeals**

This matter is before the South Carolina Administrative Law Court (ALC or court) pursuant to the Notice of Appeal filed by Brian Boseman (Appellant), an inmate who is incarcerated with the South Carolina Department of Corrections (Department). After the Appellant's Step 1 and Step 2 grievances were filed and denied, the Appellant filed a Notice of Appeal with this court on November 6, 2018. The Appellant is appealing his conviction of Striking an SCDC Employee or other Government Employee, Volunteer, or Member of the Public (807). The Appellant argues that his due process rights were violated because the Department's extension request for his disciplinary hearing was not approved in a timely manner. The Appellant did not lose any good time credit as part of any punishment. On February 26, 2019, the Department filed a Motion to Dismiss pursuant to *Howard v. S.C. Dep't of Corr.*, 399 S.C. 618, 733 S.E.2d 211 (2016) and S.C Code Ann. § 1-23-600(D).<sup>1</sup>

**DISCUSSION**

The court's jurisdiction to hear this matter is derived entirely from the decision of the South Carolina Supreme Court in *Al-Shabazz v. State*, 338 S.C. 354, 527 S.E.2d 742 (2000). The court's appellate jurisdiction in inmate appeals is limited to cases involving denial of state created liberty interests<sup>2</sup> typically involving: (1) cases in which an inmate contends that prison officials have erroneously calculated his sentence, sentence-related credits, or custody status; and (2) cases in

<sup>1</sup> The Department initially filed its Motion to Dismiss with service on the Appellant on December 28, 2018, however, the court did not receive a copy of the Department's Motion until February 26, 2019. On January 8, 2019, the Appellant filed a response to the Department's Motion requesting the court deny the Department's Motion because the Department's conclusion that the offense was heard in a timely matter is clearly erroneous.

<sup>2</sup> The court does have limited jurisdiction in some property matters, the authority for which need not be cited here.

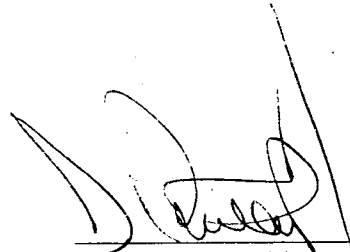
**FILED**  
FEB 27 2019

which an inmate has received punishment in a major disciplinary hearing as a result of a serious rule violation. *Id.*

When reviewing the Department's decisions in inmate grievance matters, the court sits in an appellate capacity. *SCDC v. Mitchell*, 377 S.C. 256, 659 S.E.2d 233 (Ct. App. 2008). Consequently, the review in these inmate grievance cases is limited to the record before the court. In this case, the Appellant did not lose any good time as part of his punishment and therefore his punishment does not affect a state-created liberty or property interest. As such, this is a case in which this court must adhere to the traditional "hands off" doctrine regarding judicial involvement in prison disciplinary procedure and other internal prison matters. *See Pruitt v. State*, 274 S.C. 565, 266 S.E.2d 779 (1980) and *Al-Shabazz v. State*, 338 S.C. 354, 527 S.E.2d 742 (2000).

**THEREFORE**, for the foregoing reasons, the Department's Motion to Dismiss is **GRANTED** and this appeal is **DISMISSED**.

**AND IT IS SO ORDERED.**



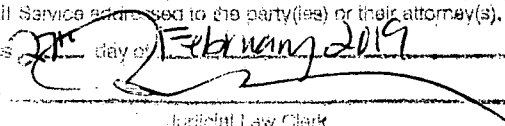
---

S. Phillip Lenski  
Administrative Law Judge

February 27, 2019  
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, or in the Interagency Mail Service addressed to the party(ies) or their attorney(s).

This 27<sup>th</sup> day of February, 2019  
  
\_\_\_\_\_  
Judicial Law Clerk