

FILED

APR 20 2012

SC ADMIN. LAW COURT

STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT

Thomas Harley, #162293,  
Appellant,

vs.

South Carolina Department of  
Corrections,

Respondent.

) DOCKET NO.: 12-ALJ-04-0028-AP  
)  
) ORDER OF DISMISSAL  
) Grievance No.: BRCI 1348-10  
)  
)  
)  
)

This matter is currently pending before the South Carolina Administrative Law Court pursuant to Appellant's Notice of Appeal filed on January 13, 2012. Appellant filed his Brief<sup>1</sup> on February 13, 2012. The Respondent filed the Record on March 18, 2012. On April 18, 2012, the Respondent filed a Motion to Dismiss. Appellant alleges SCDC misconduct in that they did not provide him with a hearing aide.

Appellant appeals the decision of SCDC in a prison disciplinary matter. He was not sanctioned with the loss of any good time credits; made no claim for the loss of any other state created liberty or property interest; and, made no contention that his sentence, sentence related credits or custody status has been erroneously calculated. There is clearly no state created liberty or property interest implicated here.

Under Slezak v. S.C. Department of Corrections, 361 S.C. 327, 605 S.E.2d 506, (2004) the Administrative Law Court is to have jurisdiction of all properly perfected inmate appeals but "Summary dismissal may be appropriate where the inmate's grievance does not implicate a state created liberty or property interest." There is clearly no state-created liberty interest implicated here.

The issue complained of does not implicate the due process requirements of Wolff v. McDonnell, 418 U.S. 539 (1974). Nor does this issue present an atypical or significant hardship on the inmate in relation to the ordinary incidents of prison life, nor is the duration of his sentence affected. See Sandin v. Connor, 515 U.S. 472 (1995). The Supreme Court of South Carolina has held, "Summary dismissal may be appropriate where the inmate's grievance does not implicate a state-created liberty or property interest." Slezak v. SC Dep't of Corr., 361 S.C. 327, 331, 605 S.E.2d 506, 508 (2004). Therefore,

<sup>1</sup> Appellant filed a document titled "Complaint." This Court accepted this document as Appellant's Brief.

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SC Court of Appeals

ER#1

**IT IS ORDERED** that Respondent's Motion to Dismiss is **GRANTED** and this appeal is hereby **DISMISSED, WITH PREJUDICE.**

**AND IT IS SO ORDERED.**



**CAROLYN C. MATTHEWS**  
**Administrative Law Judge**

April 20, 2012  
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 20 day of April 2012  
By: Page P. Snyder  
Judicial Law Clerk