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JAN 17 2019
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

Reyes Cabrera-Peña #265665 ----- Respondent.

v

South Carolina Department of Corrections ----- Appellant.

Respondents Final Brief

Response to Appeal.

On June 20, 2018. The ALC issued its "final order" concerning Peña's appeal. By its order ALC 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 ALC's order, but as reflected by its July 18, 2018 Notice of appeal it appeals only part of rulings issue by the ALC.

Peña's work records and pay alone shown ALC, that as in Torrence and ward v SCDC, that SCDC removed money remitted by the private industry sponsor and then disburse, the percentages 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 wages gross 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

Reyes Cabrera-Peña

PCI QIA-219#265665

430 Oaklawn Road

Pelzer SC 29669

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V

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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 & off LLC
339 Heyward street, suite 200
Columbia SC, 29201

Date: January 14, 2019

S/ Reyes Cabrera-Peña

Reyes Cabrera-Peña

PCI QIA-219 #265665

430 Oaklawn Road

Pelzer SC, 29669

Appellate Case N^o 2018-001324

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 cannot 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 therefore 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.

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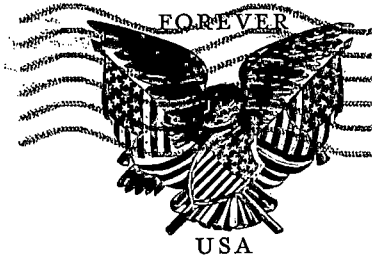
SC Court of Appeals

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Henny Abbott Kitchings Clerk
Post office BOX 71629
Columbia SC, 29211

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