

**STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT**

Joseph Barfield, 175267,

Appellant,

vs.

South Carolina Department of Corrections,

Respondent.

Docket No.: 12-ALJ-04-0902-AP

Grievance No.: ECI 0117-12

ORDER OF DISMISSAL

This matter is before the South Carolina Administrative Law Court (“ALC” or “Court”) pursuant to the Notice of Appeal filed December 13, 2012 by Joseph Barfield (“Appellant”), an inmate incarcerated with the South Carolina Department of Corrections (“Department”). Appellant appeals the decision of the Department denying his grievance in which the Appellant complains that the Department is wrongfully denying him adequate medical treatment to address his diagnosis of Hepatitis C (HCV). The Department explained that it must consider many factors when deciding the proper treatment plan for Hepatitis C; including previous drug and alcohol charges and mental health issues. Here, the Appellant’s previous conviction bars him from receiving treatment under the current Hepatitis C treatment protocol.

The ALC has subject matter jurisdiction when the Department disciplines an inmate and imposes a punishment that deprives the inmate of a constitutionally protected liberty or property interest. Sullivan v. S.C. Dep’t of Corr., 355 S.C. 437, 441-42, 586 S.E.2d 124, 126 (2003); Al-Shabazz v. State, 338 S.C. 354, 369, 527 S.E.2d 742, 750 (2000); Skipper v. S.C. Dep’t of Corr., 370 S.E. 267, 273-74, 633 S.E.2d 910, 914 (Ct. App. 2006). Slezak v. S.C. Department of Corrections, 361 S.C. 327, 605 S.E.2d 506 (2004) provided further clarification that this Court has jurisdiction of all inmate grievance appeals that have been properly filed. However, when the grievance appeal does not implicate a state-created liberty or property interest, the ALC may summarily dismiss the appeal at its discretion. Furtick v. South Carolina Department of Corrections, 374 S.C. 334, 649 S.E.2d 35 (2007).

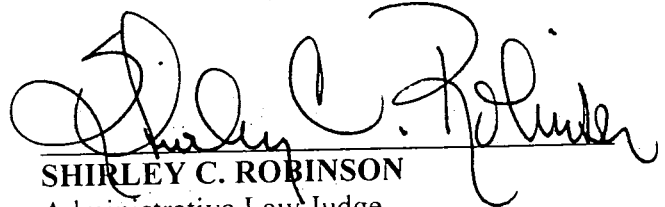
The Appellant has not alleged a deprivation of a state-created liberty or property interest in this matter. Therefore, the Court finds Furtick to be controlling in this matter.

FILED

JAN 07 2013

THEREFFORE, IT IS HEREBY ORDERED that this appeal is DISMISSED, with prejudice.

AND IT IS SO ORDERED.

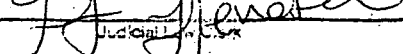

SHIRLEY C. ROBINSON
Administrative Law Judge

January 7th, 2013
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 Emergency Mail Service, addressed to the party(ies) or their attorney(s).

This 7 day of January, 2013.

By: 
Judicial Law Clerk