

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Bruce Seabrook, Jr., #376295,)
)
 Appellant,)
)
 v.)
)
 South Carolina Department of)
 Corrections,)
)
 Respondent.)

Docket No. 19-ALJ-04-0405-AP

ORDER OF DISMISSAL **RECEIVED**
SEP 23 2019
SC Court of Appeals

This matter is before the South Carolina Administrative Law Court (ALC or Court) pursuant to a Notice of Appeal filed by Bruce Seabrook, Jr. (Appellant), an inmate incarcerated with the South Carolina Department of Corrections (Department or Respondent). Appellant appeals the Department's decision in response to his Step 2 Grievance, in which he complained about being classified as being involved with a Security Threat Group (STG). In the Notice of Appeal, Appellant contends there is no evidence to support the Department's decision to label him as a STG. Furthermore, Appellant contends that the stigma associated with being labeled as a STG will adversely affect his upcoming parole as well as future employment.

The Court's jurisdiction to review the Department's final decision in a non-collateral or administrative matter stems from *Al-Shabazz v. State*, 338 S.C. 354, 527 S.E.2d 742 (2000). Typically, these administrative matters entitled to review "[a]rise in two ways: (1) when an inmate is disciplined and punishment is imposed and (2) when an inmate believes prison officials have erroneously calculated his sentence, sentence-related credits, or custody status." *Id.* at 369, 527 S.E.2d at 750. In determining to adhere to the limited nature of judicial review in inmate matters, the court prefaced "[c]ourts traditionally have adopted a 'hands off' doctrine regarding judicial involvement in prison disciplinary procedures and other internal prison matters, although they must intercede when infringements complained of by an inmate reach constitutional dimensions." *Id.* at 382, 527 S.E.2d at 757 (citation omitted).

Post *Al-Shabazz* decisions have determined that a matter is reviewable by the ALC where an inmate's appeal implicates a state-created liberty or property interest. *See, e.g., Howard v. S.C. Dep't of Corr.*, 399 S.C. 618, 630, 733 S.E.2d 211, 218 (2012); *see also Wick*

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SC ADMIN. LAW COURT

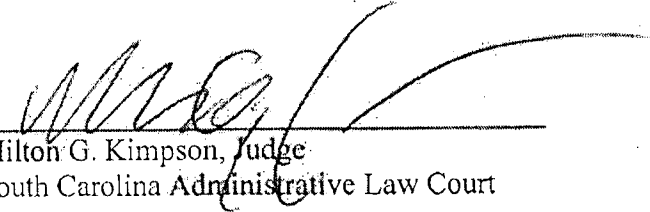
Corr., 360 S.C. 421, 424, 602 S.E.2d 56, 57-58 (2004) (holding that inmates have a right to procedural due process in matters involving a state-created right to property such as the state's mandate that inmates be paid the prevailing wage). Under certain circumstances, states may create liberty interests which are protected by the Due Process Clause; however, "[t]hese interests will be generally limited to freedom from restraint which . . . imposes atypical and significant hardship on the inmate in relation to the ordinary incidents of prison life." *Sandin v. Conner*, 515 U.S. 472, 483-84 (1995); see also *Sullivan v. S.C. Dep't of Corr.*, 355 S.C. 437, 445 n.5, 586 S.E.2d 124, 127 n.5 (recognizing that condition of confinement claims could implicate state-created liberty interests but adhering to *Sandin*'s pronouncement limiting these interests).

In *Slezack v. South Carolina Department of Corrections*, 361 S.C. 327, 605 S.E.2d 506 (2004), our supreme court distinguished the ALC's subject matter jurisdiction from its appellate jurisdiction in clarifying the ALC's jurisdiction in inmate grievance matters. The court explained that the ALC has subject matter jurisdiction to hear appeals from the final decision of the Department in non-collateral or administrative matters. *Id.* at 331, 605 S.E.2d at 507 (citation omitted); see also *Howard*, 399 S.C. at 625, 733 S.E.2d at 215 ("The ALC has subject matter jurisdiction under the [APA] to hear properly perfected appeals from the SCDC's final orders in administrative or non-collateral matters.") In addition, "[t]he AL[C] has appellate jurisdiction over any matter where the procedural prerequisites for perfecting such an appeal have been met." *Slezack*, 361 S.C. at 331, 605 S.E.2d at 507 (citation omitted). However, while the ALC has jurisdiction over all properly perfected appeals from Department final orders, summary dismissal may be appropriate where the inmate's grievance does not implicate a state-created liberty or property interest. *Id.* at 333, 605 S.E.2d at 509.

Despite Appellant's contentions regarding his STG classification, there is nothing alleged to suggest that his conditions of confinement touch upon the atypical hardships contemplated under *Sandin*. Furthermore, he was not sanctioned with the loss of any accrued good-time credits as punishment for his disciplinary conviction and it is abundantly clear that his appeal does not relate to his sentence, sentence-related credits, or custody status. Accordingly, Appellant's appeal has not implicated any state-created liberty or property interests. In the absence of such interests, the Court finds that summary dismissal is appropriate. See *Slezak*, 361 S.C. at 333, 605 S.E.2d at 509 (holding that the ALC may summarily dismiss an inmate's appeal that does not implicate a state-created liberty or property interest).

IT IS HEREBY ORDERED that this case is **DISMISSED WITH PREJUDICE.**
AND IT IS SO ORDERED.

August 28, 2019
Columbia, South Carolina


Milton G. Kimpson, Judge
South Carolina Administrative Law Court

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 28 day of August, 2019

By: 
Judicial Law Clerk