

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Demetric Hardaway, #330891,)
)
 Appellant,)
)
 vs.)
)
 South Carolina Department of)
 Corrections,)
)
 Respondent.)

Docket No. 19-ALJ-04-0511-AP

ORDER OF DISMISSAL

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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 Demetric Hardaway (Appellant), an inmate incarcerated with the South Carolina Department of Corrections (Department or SCDC). Appellant appeals from a Step 2 Grievance in which he complains of negligence on the part of the SCDC staff who manage his Litter Crew. On appeal, Appellant contends that SCDC has failed to address the inadequacies (which he likens to gross negligence) and that his due process rights were violated when he received a job reassignment as retaliation to his complaints.

DISCUSSION

The Court's jurisdiction to hear this matter is derived from the decision of the South Carolina Supreme Court in *Al-Shabazz v. State*, 338 S.C. 354, 527 S.E.2d 742 (2000). In *Al-Shabazz*, the Court held that the ALC's jurisdiction in inmate appeals is limited to state-created liberty interests 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 which an inmate has received punishment in a major disciplinary hearing as a result of a serious rule violation. *Id.* at 382, 527 S.E.2d at 757. "The only way for the [ALC] to obtain subject matter jurisdiction over [an inmate's] claim is if it implicates a state-created liberty interest." *Sullivan v. S.C. Dep't of Corr.*, 355 S.C. 437, 443, 586 S.E.2d 124, 127 (2003). Thus, in *Slezak v. S.C. Dep't of Corr.*, 361 S.C. 327, 331, 605 S.E.2d 506, 508 (2004), cert. denied, 544 U.S. 1033, 125 S.Ct. 2266, 161 L.E.2d 1060 (2005), our Supreme Court explained that while the ALC has jurisdiction

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SC ADMIN. LAW COURT

over properly filed inmate grievance appeals, summary dismissal is appropriate "where the inmate's grievance does not implicate a state-created liberty or property interest."

Despite Appellant's contentions, he: (a) was not sanctioned with the loss of any good time credits; (b) made no claim for the loss of any other state created liberty or property interest; and, (c) made no contention that his sentence, sentence related credits or custody status has been erroneously calculated. Generally, matters regarding prison work assignments are at the discretion of the prison administrators. See *Skipper v. South Carolina Department of Corrections*, 370 S.C. 267, 275, 633 S.E.2d 910, 914 (Ct. App. 2006). There is clearly no state created liberty interest implicated here. Without such a liberty interest, this Court cannot address any of the matters raised in inmate's appeal. See *Slezak* 361 S.C. at 331, 605 S.E.2d at 508 ("[s]ummary dismissal may be appropriate where the inmate's grievance does not implicate a state created liberty or property interest.") Therefore,

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

October 29, 2019
Columbia, South Carolina


Milton G. Kimpton, 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 29 day of October, 2019
By A. P. [Signature]
Judicial Law Clerk