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The State Of South Carolina
In The Court of Appeals

SC Court of Appeals

Appeal From The South Carolina Administrative Law Court.

H.W. Funderburk, Jr., Administrative Law Court

Appellate Case No 2018-001324

Pro se: Reyes Cabrera-peña 265665 _____ Respondent.

South Carolina Department Of Corrections _____ Appellant.

Respondents Final Brief

Response To Appeal

On June 20, 2018 The ALC issued it's "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 it's July 18, 2018 notice of appeal it appeals only part of rulings issue by the ALC. Peña's work records and pay alone has shown ALC that as in Torrence and ward v. SCDC, that SCDC removed money remitted by the private industry sponsor and then disburses the percentages listed in ~~SCDC~~ S.C. Code and, § 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 gross wages 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

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