



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 *Slézack 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." *Slézack*, 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, it is abundantly clear that his appeal does not relate to his sentence, sentence-related credits, or custody status. Moreover, Appellant does not allege any facts that suggest the requisite attire of the prison industry employment amounts to "restraint that imposes atypical and significant hardship on [him] in relation to the ordinary incidents of prison life." <sup>1</sup> See *Sandin*, 515 U.S. at 484. 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


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<sup>1</sup> While the Prison Industry programs are statutorily created pursuant to S.C. Code Ann. § 24-3-310, et seq., participation by inmates is a privilege and not a right. See *Skipper v. South Carolina Department of Corrections*, 370 S.C. 267, 633 S.E.2d 910 (2006) (finding that termination from prison employment is not an atypical, significant hardship that implicates a state created liberty interest.)

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).<sup>2</sup>

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

February 6, 2020  
Columbia, SC

  
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 6 day of February, 2020  
By:   
Judicial Law Clerk

<sup>2</sup> To the extent Appellant's statement that he is "being subjected to a type of punishment ... which makes it cruel and unusual" seeks to make a claim under the Eighth Amendment to the United States Constitution, the Court notes that it is unlikely whether the ALC can exercise jurisdiction over such an action. See, *Mize v. South Carolina Department of Corrections*, Docket No. 01-ALJ-04-00926-AP (April 3, 2002) ("Prison officials are not allowed to impose significant hardships on the inmates under their control. However, this tribunal does not have authority to engage in the litigation of issues of such nature.") Nevertheless, participation in a Prison Industry work program is a privilege and not punishment.