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THE STATE OF SOUTH CAROLINA  
In the Supreme Court

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S.C. SUPREME COURT

APPEAL FROM THE SOUTH CAROLINA ADMINISTRATIVE LAW COURT

Deborah Brooks Durden, Administrative Law Judge

Appellate Case No. 2019-001490  
Lower Court Case No. 2012-ALJ-04-0143-AP

Thomas J. Torrence, #094651 . . . . . Respondent,

v.

South Carolina Department of Corrections . . . . . Petitioner.

**RESPONDENT'S RETURN  
TO BRIEF ON CERTIORARI  
BY THE SOUTH CAROLINA DEPARTMENT OF CORRECTIONS**

Thomas J. Torrence  
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Respondent, Pro se

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STATEMENT OF QUESTION ON CERTIORARI

On November 28, 2018 the Court of Appeals dismissed the appeal of Petitioner South Carolina Department of Corrections ("DOC" or "SCDC"), styled as Thomas J. Torrence, Respondent v. S.C. Dep't of Corr., Appellant, Opinion No. 2018-UP-432 (S.C. App., Nov. 28, 2018 (Apx. pp. 1231-32)). By its November 28, 2018 decision the Court of Appeals dismissed SCDC's appeal of both orders of the South Carolina Administrative Law Court ("ALC") from January 30, 2014 (Apx. pp. 399-408) and January 20, 2016 (Apx. pp. 1036-50) as interlocutory. The Court of Appeals had previously dismissed the January 30, 2014 appeal as interlocutory (Apx. p. 447) pursuant to S.C. Code Ann. §1-23-610(A)(1). The Court of Appeals dismissed the DOC's petition for rehearing in an order dated August 8, 2019 (Apx. 1256).

The ALC's January 20, 2016 order reversed and remanded the DOC's final agency decisions concerning private sector prison industries prevailing wage claims as errors of law; that affected the substantial rights of the Respondent, Thomas J. Torrence ("Torrence"); violated state and federal statutory law, and which was supported by substantial evidence in the record. The ALC applied statutory methodology to address the issues and remanded those matters to the DOC with instructions.

The DOC has asked this Court to reverse the Court of Appeals' decision in its May 18, 2020 Brief on Certiorari ("Cert.") p. 1, Issues II & III. Petitioner's Cert. p. 1 also included Issue I, which was not preserved for the DOC's Petition for Rehearing and thus, is not properly before this Court on Certiorari.

Torrence respectfully urges this Court to dismiss the DOC's Issue I as procedurally barred and dismiss the writ as improvidently granted. Torrence respectfully contends SCDC's Writ and presents the following four (4) questions for review:

- I. The ALC did not "Rule" that Torrence "worked for" Escod.
  - (A) The issue was not properly preserved in the DOC's Initial or Final Briefs in the Court of Appeals, was improper in the Petition for Rehearing and by extension, improper on this Writ of Certiorari.
  - (B) The ALC's January 20, 2016 order did not rule against precedent or declare that Torrence was an employee of the private sector sponsor or the State.
- II. The ALC applied the correct methodology to define and calculate the "Prevailing Wage" SCDC should have paid Torrence.
- III. The Court of Appeals correctly dismissed SCDC's appeal of the ALC's Orders as interlocutory.
- IV. This Court may affirm the Court of Appeals' decision based on any Ground in the Record or dismiss the Writ as improvidently granted.

#### STATEMENT OF THE CASE

- I. TORRENCE'S STEP 1 AND SCDC'S RESPONSE  
Torrence accepts DOC's STATEMENT, §I, Cert., pp. 2-3.
- II. TORRENCE'S STEP 2 AND SCDC'S FINAL DECISION  
Torrence accepts DOC's STATEMENT, §II, Cert. p. 3.
- III. TORRENCE'S APPEAL TO THE ALC  
Torrence accepts DOC's STATEMENT, §III, Cert. p. 3.
- IV. THE ALC'S JANUARY 20, 2016 ORDER  
Torrence accepts DOC's STATEMENT, §IV, Cert. pp. 3-5.
- V. THE COURT OF APPEALS' NOVEMBER 28, 2018 DECISION  
Torrence accepts DOC's STATEMENT, §V, Cert., pp. 5-6.

## STANDARDS OF REVIEW

### I. THE COURT OF APPEALS DECISION

Torrence accepts DOC's STANDARD, §I in its citation of S.C. Code Ann. §1-23-610(A)(1) and Charlotte-Mecklenburg Hosp. Authority v. S.C. Dep't of Health and Env'l Control, 692 SE2d 894 (SC 2010), Cert. pp. 6-8 only insofar as being the applicable standard; but rejects SCDC's application in the instant petition in the last paragraphs, Cert., pp. 7-8.

### II. THE ALC ORDER

Torrence accepts DOC's STANDARD, II, Cert., pp. 9-10; but rejects the DOC's application to (§1-23-610(B) in the last paragraph on p. 10.

## ARGUMENT

### I. THE ALC DID NOT "RULE" THAT TORRENCE "WORKED FOR" ESCOD.

The Doc asserts the ALC erroneously ruled Torrence "worked for" Escod in its Petition, Cert., pp. 10-15.

Torrence contends that this issue is procedurally barred from certiorari review pursuant to South Carolina Appellate Court Rules ("SCACR") Rule 208 governing appellate briefs and Rule 221 governing matter included on petitions for rehearing; thus rendering ineligible this question for certiorari review.

In the event this Court chooses to the review issue, Torrence would suggest and demonstrate that the ALC did not rule Torrence was an employee; but utilized phraseology of South Carolina statutes and precedent.

- (A) THE ISSUE WAS NOT PROPERLY PRESERVED IN THE DOC'S INITIAL OR FINAL BRIEFS IN THE COURT OF APPEALS; WAS IMPROPER IN THE PETITION FOR REHEARING; AND BY EXTENSION, IMPROPER ON THIS WRIT OF CERTIORARI.

The DOC attempts to characterize Torrence's articulation of his labor in layman/common terms was an "issue" being raised by Torrence. Torrence addressed the matter as a description in his Step 1 grievance, Apx. p. 126, and in footnote 7 of his ALC Original Brief, Apx. p. 739. Torrence early on provided a succinct explanation clearly stating he made no claim as an employee and the purpose of his descriptives in his August 27, 2015 ALC Reply Brief §B, Apx. pp. 1007-09. The DOC did not raise the issue or defense before the ALC as it did the timeliness of the grievance defense. In SCDC's Brief before the ALC (Apx. pp. 800-61) the DOC's STATEMENT OF ISSUES ON APPEAL were stated, "Without conceding their merits or whether he preserved them for review, the Department acknowledges, for the sake of expediency, that the issues on appeal are as the Appellant presented them in his brief." Apx. p. 809 (emphasis supplied). The DOC addressed Torrence's factual statement as "Appellant's Defective Factual Assertions," (Apx. p. 811) before starting its Argument, Apx. pp. 811-22, not as part of its Argument.

The DOC never raised an enumerated issue or defense that Torrence "claimed" he was an employee of Escod or the State, though every opportunity to do so was available in the ALC. No enumerated issue was raised until the petition for rehearing in the Court of Appeals.

Accordingly, Torrence respectfully asserts that SCDC failed to preserve this issue for consideration by the ALC, and by extension, the Court of Appeals. See, Goins v. S.C. Dep't of Corr., Op.No. 2014-UP-390, 2014 WL 5840482 \*1 (S.C.Ct.App., Nov. 12, 2014 (citing Risher v. S.C. Dep't of Health & Env'l Control, 712 SE2d 428, 433, n. 5 (SC 2011) ("This Court has long enforced and relied upon issue preservation rules

in administrative appeals." See also Brown v. S.C. Dep't of Health & Env'l Control, 560 SE2d 410, 417 (SC 2002) ("Issues not raised to and ruled on by the ALC are not preserved for appellate consideration.")

SCDC raised the following issues in the January 3, 2017 Final Brief before the Court of Appeals, Apx. pp. 1084-1141:

- I. Did the ALC err in its January 30, 2014 order by ruling that Torrence timely filed his grievance?
- II. Did the ALC err in its January 30, 2014 order by ruling that equitable tolling applied to Torrence's grievance?
- III. Did the ALC err in its January 20, 2016 order by ruling that Torrence must be allowed to designate persons or entities to receive an immediate distribution of funds held in escrow for his benefit pursuant to S.C. Code Ann. §24-3-40(A)(5)?  
Apx. 1092

SCDC raised the following issues in the January 3, 2017 Reply Brief before the Court of Appeal, Apx. pp. 1202-28:

- I. The ALC abused its discretion by calculating the "prevailing wage" in its January 20, 2016 Order.
- II. Even if it did not abuse its discretion by calculating the prevailing wage" in its January 20, 2016 order, the ALC erroneously ignored §24-3-410(B)(2) in its calculations.
- III. Torrence's mistaken assertions regarding his notice of appeal to the ALC.
- IV. SCDC is not precluded from appealing the ALC's January 30, 2014 Order.  
Apx. p. 1203

SCACR Rule 208(b) specifies the content of initial briefs under this Rule and final briefs under Rule 211. Rule 208(b)(1)(B) is instructive:

"Statement of Issues on Appeal. A statement of each of the issues presented for review. The statement should be concise and direct as to each issue and may be stated in question form. Broad general statements may be disregarded by the appellate court. Ordinarily, no point will be considered which is not set forth in the statement of issues on appeal." (Emphasis supplied).

In an appellate brief, separate issues generally should be set forth and argued separately. State v. Burroughs, 492 SE2d 408 (SC App. 1997). See also, Calhoun v. Calhoun, 529 SE2d 14 (2000). The statement of issues must be concise and direct.

The record here is devoid of and demonstrates, as shown above, that SCDC failed to preserve and raise this or any enumerated issue of defense before either the ALC or the Court of Appeals in its final and reply briefs.

This issue was first raised in the January 10, 2019 Appellant's Petition for Rehearing, Apx. pp. 1234-54. The issue was then enumerated, Apx. p. 1235 and argued separately, Apx. pp. 1242-45.

Rule 221(a), SCACR is controlling in petitions for rehearing. A petition for rehearing must show points supposedly overlooked or misapprehended by the Court. Its purpose is not to present points lawyers from losing parties overlooked or to have the case tried in the Supreme Court a second time. Arnold v. Carolina Power & Light Co., 167 SE2d 234 (1933).

SCDC slept on its rights if it had intended to preserve this issue and should not be rescued now in order for the opportunity to relitigate the entire case by extending or ignoring the issue preservation rule. The issue did not qualify for inclusion in the petition for rehearing.

Torrence suggests that this issue did not procedurally conform to the requirements of a petition for rehearing where the issue was not preserved or overlooked by the Court of Appeals.

By extension, this issue is precluded from being raised in the writ of certiorari.

On petition for writ of certiorari the issue must have been raised in the initial arguments to the Court of Appeals. See Kleckley v. Northwestern Nat. Cas. Co., 526 218 (2000).

In the event this Court chooses to review this issue on certiorari, Torrence respectfully suggests and demonstrates below the ALC did not "Rule" Torrence was an employee of Escod.

(B) THE ALC'S JANUARY 20, 2016 ORDER DID NOT RULE AGAINST PRECEDENT AND DECLARE THAT TORRENCE WAS AN EMPLOYEE OF THE PRIVATE SECTOR SPONSOR OR THE STATE.

SCDC attempts to recharacterize the ALC's January 20, 2016 holding instructing the DOC to calculate and pay Torrence the prevailing wage for his labor as a ruling that Torrence was an employee of the private sector sponsor Escod, Cert.pp. 10-15.

The ALC's Order, Apx. p. 1042, stated the DOC makes a number of arguments regarding the definition of prevailing wage. The ALC was succinctly clear in her footnote 3, id, that:

"The parties also argue vociferously about whether it is proper to use the terms 'employee' or 'hire' with respect to [Torrence's] labor and his relationship with the PIECP. The Court declines to address in detail the parties' arguments concerning Appellant's status as an 'employee' since they are not necessary for the disposition of this case. It is true that [Torrence] is not classified as an 'employee' of the State, S.C. Code Ann. §24-3-430(F)(2007). He is not an 'employee' of either the state or private industry sponsor for purposes of the Payment of Wages Act, Williams v. S.C. Dep't of Corr., 641 SE2d 885 (2007). Nor is he an 'employee' for purposes of unemployment benefits. S.C. Code Ann. §24-3-430(G)(2007). Yet, it is also true that for some other purposes [Torrence] has the same rights and responsibilities afforded to employees. He is required to pay state and federal income taxes and Social Security taxes. S.C. Code Ann. §24-3-40(A)(6)(2015). He is entitled to worker's compensation benefits for on-the-job injuries. 18 USC §1761(c)(3) (2012). None of these rights and duties (or lack thereof) directly bear on the disposition of this case."  
Apx. p. 1042, n. 3 (emphasis supplied)

Torrence respectfully asserts that the intent and purpose of the ALC was to describe Torrence's labor in a work environment, not to declare that Torrence was an employee of the private sponsor. The ALC's position was clear that Torrence was "not an employee" and any descriptives in ordering the calculation and payment of wages was common terms associated with or related to the facts of the case. The DOC's position is based on a mischaracterization of the ALC's specific holding. Torrence is not an employee, nor would the ALC address such argument.

The language SCDC complains of "for the years he worked...for Escod" (Apx. p. 1046) was a necessary and simple descriptive in that environment, not a status classification. Nowhere in the January 20, 2016 order did the ALC "hold" Torrence is an employee, but in strict contravention thereto, as demonstrated above.

SCDC cites a litany of well-established precedent to demonstrate inmates are not employees of the private sponsor or the state. Those cases are not applicable here where no claim, order or ruling in the January 20, 2016 Order contravened those holdings.

Torrence notes and suggests that the ALC, in dealing with prison industries wage claims, has used the phraseology "worked for" in over twenty-five (25) wage claim cases, Apx. pp. 202-03, 233-373; as well as citing language from the ALC and this Court in Wicker, 00-ALJ-04-00781 2001 WL 1005574, that "an inmate is entitled to be paid the prevailing wage for work of a similar nature in the private sector."

Chief Administrative Law Judge Ralph K. Anderson, III, in Woodrow Cuddy v. SCDC, Docket No. 07-ALJ-04-0771-AP (July 2, 2012), used the phraseology the "time he worked in prison industries," Apx. p. 258.

Judge Anderson's opinion in Cuddy further stated that, "Although the decision in the Step 1 grievance notes Appellant worked from March 22, 2002 to April 1, 2002, Appellant did not provide any evidence of where he worked in prison industries," Apx. p. 259.

Torrence suggests that applying the rationale of SCDC in the instant petition, Judge Anderson was "ruling" Cuddy worked for the private sector or the State [prison industries].

Torrence respectfully suggests that this was and is the descriptive language used by the ALC at that time in dealing with the myriad of work environment/prevailing wage cases.

Even SCDC must concede use of the descriptive and terminology employed as to Torrence's labor in SCDC's own Agreement with the private sector employer (Apx. pp. 651-52; 673-88); specifically Article 3, Conditions Related to Employment of Inmates, and §3.1 Training of Inmate Employees, Apx. p. 680 (original emphasis); and Article 4.4, Non-Discrimination in Employment, "The Contractor shall not discriminate against any employee inmate worker or applicant for employment..." Apx. p. 685 (emphasis original and supplied).

Torrence suggests it is difficult for any party in this employment scenario to avoid describing these environmental functions without using common terms of usage familiar to every person who labors for a wage.

Where the ALC Order did not declare Torrence's status as an employee of the private sponsor or the State, then no errors exist to be analyzed. SCDC cannot distinctly and specifically direct this Court's attention to any error or abuse by the ALC or prejudice therefrom where none exists. Thus, the ruling was neither "arbitrary or capricious or

characterized by abuse of discretion or clearly unwarranted exercise of discretion" (S.C. Code Ann, §1-23-610(B)), nor was it a violation of a statutory provision where the ALC clearly cited statutory law and precedent to support her holding Torrence was NOT an employee of Escod or the State.

Torrence respectfully suggests this issue should be barred procedurally, or if reviewed by this Court, find the ALC did not declare Torrence an employee where the rationale and analysis of the ALC was sound and in accordance with South Carolina law.

II. THE ALC APPLIED THE CORRECT METHODOLOGY TO DEFINE AND CALCULATE THE "PREVAILING WAGE" SCDC SHOULD HAVE PAID TORRENCE.

SCDC's Petition, Cert., pp. 15-24, attempts to challenge the State (SCDC Code Ann. §§24-3-315 (2007); 24-3-430(D) (2007)) and Federal (18 USC §1761(c) (2012); 64 FR 17000 et. seq.(1999)) guidelines employed by the ALC in its January 20, 2016 analysis and Order, (Apx. pp. 1066-73), in defining the prevailing wage and statutory methodology in calculating the wage and order the calculation of the wages for years not contained in the record; and the ALC's authority to correct and enforce errors of law.

SCDC objects to the ALC defining the prevailing wage utilizing the statutory law and evidence in the record as a whole; as well as ordering and remanding the calculation of those wages, again, by statutory law, to the DOC to perform its duty to pay Torrence the prevailing wage by the correct OES Code for the years Torrence worked.

Torrence contends that SCDC objects to a definition of "prevailing wage" and disputes its applicability. Torrence suggests that 64 FR

17007 and 18 USC §1761(c)(2) state prevailing wage is a wage rate which is not less than that paid for work of a similar nature in the locality in which the work is to be performed. Torrence suggests this language is identical to and was required by the DOJ BJA in the state statute (§24-3-315) for South Carolina to be eligible for the PIECP certificate to operate.

SCDC also takes issues with Torrence's prayer for relief in his ALC Brief (Apx. pp. 780-81) where Torrence requested structured relief that resulted in the ALC defining and calculating the wage by the statutes and evidence in the record; then ordering the DOC to comply with the statutory mandates to verify, calculate and pay Torrence the prevailing wage for his labor in the private sector prison industries.

SCDC mischaracterizes Torrence's words and intent (Cert. p. 15, n.8) when it cites the last sentence of footnote 2 in Respondents Final Brief, (Apx. p. 1152) as a request to abuse the Court's discretion. The footnote in Torrence's Brief is a reference to his prayer for relief (Apx. 780-81) indicating the nexus of the original agency complaint - SCDC's failure to pay the correct prevailing wage for his labor (Apx. pp. 16-17, 61).

Torrence respectfully suggests the purpose of a grievance and/or appeal is to obtain relief from a wrong. That Torrence had the foresight to request structured relief where the grieved wage actions of the agency and SCDC's subsequent final agency decision, "I conclude that SCDC paid you the proper rate of pay for your labor..." (Apx. p. 137) indicates SCDC would continue to not follow state and federal law and continue to ignore annual wage verifications (S.C. Code Ann. §24-3-430 and 64 FR 17009-10)). Thus, without structured relief, Torrence would

continue to be deprived of the correct prevailing wage.

SCDC argues that no evidence in the record verifies Torrence's work, Cert. p. 17. Torrence asserts the argument is incorrect where SCDC requested wage verifications for those Job Codes, Apx. pp. 653-60.

Torrence suggests that the very purpose of the ESC/DEW OCC/OES Job Codes is to provide wage guidelines so employers know the wage ranges of their jobs for work of a similar nature in the surrounding community; and from which the DOC should make its annual wage verification (§24-3-430 and 64 FR 17010). Torrence respectfully asserts that these verifications were requested and answered (Apx. pp. 654-55, 653 (pgs out of order) and 659-60) and were never adhered to by SCDC.

SCDC asking for the hourly wage of Escod's non-inmate employees (which they did not until the appeal) Cert. p. 16) is a ploy by SCDC to further delay paying the prevailing wage verified by DEW. This is the source of wage ranges for employers across South Carolina. Torrence suggests that the OES wage descriptions are the information source §§24-3-315 and 24-3-430(D) rely upon for state and federal compliance.

SCDC challenges the wage information contained in the record independently or through the deposition of DEW employee Rebecca Eleazer, Cert. pp. 19-24. Torrence notes that even if this matter was placed in the DOC's hands today, those same Codes and Wage Ranges would be applicable, but without structured relief, the DOC would conjure new rationale and methods to not pay the correct prevailing wage.

Torrence suggests the DOC itself mischaracterizes Ms. Eleazer's deposition testimony and attempts to introduce or characterize testimony not in the record here. See §1-23-610(B) (the review of the

administrative law judge's order must must be confined to the record).

SCDC's challenge is based on a definition of the prevailing wage the DOC claims does not exist - is vague and ambiguous - thus is a means of avoiding it's statutory duty to pay Torrence and request reversal where no definition exists. Yet the DOC's conclusion here asks for remand so the agency can determine the prevailing wage. By what definition? No definition of prevailing wage is contained in the DEW formulary. However, Torrence respectfully suggests that because DEW does not contain the term in its operational glossary, does not mean prevailing wage does not exist; it obviates applicable statutes; and frees SCDC to pay prisoners at their will as long as it does not fall below the federal minimum wage.

The South Carolina General Assembly would not have employed the term in our private sector prison industry statutes and state and federal guidance would not have instructed annual verification from a controlling agency (DEW) if the General Assembly did not believe its intent was clear and with a purpose. After all, the best intent of the General Assembly in statutory construction is the plain language of the statute itself.

The ALC did not misapprehend Ms. Eleazer's testimony but applied a sound analysis directed by state and federal statutes on what constitutes the prevailing wage. The ALC clearly did not abuse her discretion in this analysis, nor was it an error of law.

Torrence will not belabor this Court with statutes and guidelines thoroughly set forth in the Record.

This Court has made a prevailing wage holding previously in the

case of Wicker, 602 SE2d 56. This Court held Wicker was entitled to the prevailing wage for his training hours and assumed it was \$5.25 because Wicker argued that was the wage paid after the training hours and he was unaware of any other wage.

Had the ALC not ordered specific instructions according to statutory methodology, the DOC, here, upon remand, would come back and determine, as it has consistently argued, that despite statutory law and other evidence, \$5.25 was the prevailing wage and Torrence would have to seek redress of that wrong.

Torrence respectfully submits that South Carolina statutory law and Federal guidelines are all the guidance required to perform the prevailing wage verification. What remains is the remand to SCDC to comply with the laws of the State. SCDC cannot perform the wage verification it must be the controlling agency, DEW. This is what SCDC fears, the truth... SCDC complains of the contract rate with Escod. Torrence respectfully suggests transparency, to include with the labor force, would avoid future problems. Because SCDC made a bad contract with whatever intent does not mean Torrence should suffer. Additionally, SCDC cannot contract in violation of a law.

Torrence respectfully suggests any error here is harmless and Petitioner is unable to show prejudice, even if an error exists. An appellant seeking reversal must show error and prejudice. McKissick v. J.F. Cleckley & Co., 479 SE2d 67 (Ct. App. 1996),

Torrence respectfully asks this Court to dismiss the Writ as improvidently granted, or to affirm the January 20, 2016 Order of the ALC.

III. THE COURT OF APPEALS CORRECTLY DISMISSED SCDC' APPEAL OF THE ALC'S ORDERS AS INTERLOCUTORY.

SCDC argues the Court of Appeals erred by the November 28, 2018 dismissal of its appeal as interlocutory., Cert. pp. 24-28. SCDC argues the judgment is final where there is nothing left to be done in the matter. SCDC erroneously argues that the ALC's Order, "left open no question of fact concerning Torrence's employment status," Cert. p. 25. Note that even SCDC cannot avoid using "employment" terminology in its descriptive of the action(s).

SCDC's argument here is moot where the ALC was clear Torrence was NOT an employee; aside from the procedural bar.

Although the ALC decided questions of law involved in this matter, a final determination as to the methodology of determining the mean average wage (prevailing wage) by the OES Codes for the years Torrence participated in the program has not been made and submitted to the Court. This subject remains open.

Torrence submits that under Charlotte-Mecklenburg, the order here was not final and did not dispose of the matter. The ALC order remanded to the DOC to obtain wage data from DEW, calculate and pay Torrence.

Torrence submits that is the point of SCDC's Conclusion, but SCDC does not want to follow wage determination guidelines but decide what the wage should be themselves.

Torrence respectfully suggests that this Court should dismiss the Writ as improvidently granted.

IV. THIS COURT MAY AFFIRM THE COURT OF APPEALS DECISION BASED ON ANY GROUND IN THE RECORD OR DISMISS THE WRIT AS IMPROVIDENTLY GRANTED

Torrence respectfully submits that pursuant to Rules 208(b)(2) and 220(C), SCACR, this Court may affirm the November 28, 2018 decision of the Court of Appeals or the January 20, 2016 Order of the Administrative Law Court based upon any ground in the Record.

CONCLUSION

Torrence respectfully urges this Court to affirm the November 28, 2018 decision of the Court of Appeals or dismiss the writ as improvidently granted.

In the event this Court remands this matter to the DOC, Torrence respectfully urges this Court to utilize specific instructions for statutory compliance.

Respectfully Submitted,



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RESPONDENT, Pro se

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