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THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

AUG 14 2020

SC Court of Appeals

APPEAL FROM ADMINISTRATIVE LAW COURT  
Administrative Law Judge Ralph King Anderson, III

ALC Case No. 19-ALS-04-0446-AP  
Appellate Case No. 2020-000251

Kenneth Rivera, #318979, Appellant,

v.

South Carolina Department of Corrections, Respondent.

APPELLANT AMENDED RECORD ON APPEAL

Counsel of Record  
Annie Laurie Rumler  
Office of General Counsel  
P.O. Box 21787  
Columbia, SC 29221-1787

Kenneth Rivera #318979  
BRCI-Waterce B #225  
4460 Broad River Rd.  
Columbia, SC 29210

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## Appellant's Exhibits In The Case

Exhibit A - Request To Staff Member ("RTSM") OF  
April 16, 2019

Exhibit B, C, - Appellant Step 1 grievance filed April 17, 2019

Exhibit D - Appellant step 2 grievance filed June 26, 2019.

### Inmate Request - General

Today's Date: 8/22/19 9:12

Name: RIVERA, KENNETH DARRELL  
Booking #: SCB0030306  
Permanent #: SCP0030306

Reference #: 19-01217056

Date Requested: 04/11/19 13:40

Request Type: Food (Cafeteria and Food)

Requested By: Kiosk

Request Details: PEACE I AM WRITING REGARDING THESE BAG LUNCHES. I AM A VEGAN AND DONT CONSUME ANY ANIMAL PRODUCTS BUT THE PAST TWO DAYS I RECEIVED BAGS WITH MEAT PRODUCTS. Y DID THIS OCCUR

Disposition: Complete

Officer:

Disposition Date: 04/16/19 15:28

#### Request Responses

Date	Author	Note
04/16/19 15:29	c059214	During this time we only honor ADA diets.

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SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

APR 17 2019

Exhibit B

INMATE GRIEVANCE FORM



STEP 1

INMATE ROOM: BRCI Kenneth Rivera

SCDC NUMBER: 3189-79

INSTITUTION: Broad River C.I.

HOUSING UNIT: Monticello B-1ST

WORK ASSIGNMENT: Wardkeeper

Grievance No. BRCI 0340.19  
 Code: General FBI/FS  
 Policy \_\_\_\_\_  
 Disc. Hear. \_\_\_\_\_  
 Class. \_\_\_\_\_  
 PREA \_\_\_\_\_  
 Date Received 4-17-19  
 IGC Initials SO

STATE GRIEVANCE (include documentation, and date of incident; if SCDC Policy, indicate which policy)

I, Kenneth Rivera, #318979 is the grievant of this grievance. On the date of April 17, 2019 at 8:38 AM I did state the facts I am a vegan and do not eat or consume animal products. The Food Service Division stated via kiosk "We only honor ADA during holidays!" The past week I've been giving meat products, I have to Fort my meds due to this

ACTION REQUESTED: I Am requesting to have non-meat products everytime we receive bag lunches.

SPECIFY HOW AND WHEN INFORMAL RESOLUTION WAS ATTEMPTED BY GRIEVANT:

19-01217056

Kenneth Rivera 4-17-19  
 Grievant Signature Date

Exhibit C

WARDEN'S DECISION AND REASON:

BRCI-0340-19

Your grievance has been reviewed. In it you stated you adhere to a Vegan Diet. You would like to be served items that are consistent with Veganism. Pursuant to ADM-16.05 Food Service Operations, "The SCDC recognizes the importance of proper nutrition to maintain the health and well-being of inmates. The Agency will, therefore, ensure that the food served to inmates is in keeping with all applicable state and federal statutes, DHEC Regulations, and the "Recommended Dietary Allowances" as defined by the National Academy of Sciences, National Research Council". Currently SCDC offers Therapeutic Diets for qualified persons, which is reviewed and approved through Medical. A list of approved therapeutic diets will be maintained in each institutional cafeteria. Vegan Diets have not been approved as a choice of dietary preferences at SCDC. You may consult with Medical to discuss dietary options that may apply to your request.

Therefore, your grievance is denied.

If you disagree with this Warden's Decision (Decision), you may file an appeal by completing SCDC Inmate Grievance Form 10-5A, provided to you while serving you this Decision, and placing it in the Grievance Box at your local correctional institution within five (5) days of your receipt of this Decision.

[Signature] 6/17/19  
Warden Signature Date

- I accept the Warden's decision and consider the matter closed.
- I do not accept the Warden's decision and wish to appeal.

[Signature] 6/26/19  
Grievant Signature Date

[Signature] 6/26/19  
IGC Signature Date

Sealed by [Signature] 6/26/19

INSTRUCTIONS FOR COMPLETING STEP 1 GRIEVANCE FORM

1. An informal resolution shall be attempted prior to the filing of Step 1 by sending an Inmate Request to Staff Member (RTSM) form to the appropriate supervisor. A copy of the answered RTSM must be attached to the grievance when the grievance is filed.
2. Complete each section in its entirety writing only in the space provided for inmate use. No additional pages will be permitted.
3. Only one (1) issue is to be addressed on each form.
4. Submit the completed form by placing in the Grievance Box within five (5) days of the date on the RTSM response; policy grievances can be filed at any time. Disciplinary and Classification Review appeals must be submitted within five (5) days of the hearing/review. Do not write in the space provided for the Warden's response.
5. If you are not satisfied with the Warden's decision, you may appeal to the appropriate responsible official within five (5) days of your receipt of the Warden's decision, via placement in the Grievance Box.

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SOUTH CAROLINA DEPARTMENT OF CORRECTIONS  
INMATE GRIEVANCE FORM

476

JUL 12 2019

Exhibit D

STEP 2

INMATE NAME: Kenneth Rivera  
SCDC NUMBER: 318979  
INSTITUTION: Broad River C.I. ✓  
HOUSING UNIT: Monticello A # 212  
WORK ASSIGNMENT: Ward Keeper

Office Use Only  
Grievance No. BRCI-0340-19  
Code: General FDIFS  
Policy \_\_\_\_\_  
Disc. Hear. \_\_\_\_\_  
Class. \_\_\_\_\_  
Date Received 6/26/19  
IGC Initials BW

JUL 20 2019  
JUL 03 2019

INMATE'S REASON FOR APPEAL (state specific dissatisfaction):

I, Kenneth Rivera #318979 is the grievant of this appeal. On June 26, 2019 at 12:30pm I did appeal the warden's decision. Nothing warden stephon stated has anything to do with my grievance. Giving me "A Vegan meat products is against Kosher law" since when do vegans eat meat? I do not eat meat period....

Kenneth Rivera 6/26/19  
Grievant Signature Date

RESPONSIBLE OFFICIAL'S DECISION AND REASON:

Your grievance has been reviewed. In it you stated you adhere to a Vegan Diet. You would like to be served items that are consistent with Veganism when bag lunches are served. You were informed of South Carolina Department of Corrections' current policy regarding dietary needs. Requirements are met by the Agency pursuant to ADM-16.05 Food Service Operations which states, "The SCDC recognizes the importance of proper nutrition to maintain the health and well-being of inmates. The Agency will, therefore, ensure that the food served to inmates is in keeping with all applicable state and federal statutes, DHEC Regulations, and the "Recommended Dietary Allowances" as defined by the National Academy of Sciences, National Research Council". Security-related concerns may cause normal operations to be modified in an institution. Special arrangements will be made by the Food Service Nutritionist or designee to ensure that the medical dietary needs of the inmates are met. Service of therapeutic diets will be limited to diabetics, hypoglycemics, and renal inmates for meals when emergency feeding practices are employed. Religious diets will be provided only if the circumstances make it feasible to do so. Meals (whether hot meals or sack meals) will be wholesome and nutritious and will be prepared and served according to dietary guidelines and Food Service regulations as they relate to your dietary plan approved by Medical. Various items are sold in the institution Canteen, when accessible to offenders, as an alternative to food items served through Food Service.

Therefore, your grievance is denied.

You may appeal this decision under the South Carolina Administrative Procedures Act to the South Carolina Administrative Law Court. In order to appeal, you must complete the attached Notice of Appeal Form (Form) and submit it as instructed on the Form within thirty (30) days of receipt.

Robin N. Lane 8-27-19  
Signature Date

The decision rendered by the responsible official exhausts the appeal process of the Inmate Grievance Procedure. I hereby acknowledge receipt of the official's response and understand this is the Agency's final response to this matter.

Grievant Signature \_\_\_\_\_ Date \_\_\_\_\_ IGC Signature \_\_\_\_\_ Date \_\_\_\_\_

(SEE REVERSE SIDE FOR INSTRUCTIONS)

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Appellant,

v.

South Carolina Department of Corrections,  
Respondent.

### CERTIFICATE OF COUNSEL

The undersigned certified that this Amended Record  
on Appeal complies with Rule 10, SCA.C.R.

August 12, 2020

Annie Rumber,  
Office of General Counsel  
P.O. BOX 21787  
Columbia, SC 29221-1787

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