

**STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT**

Lawrence Crawford, 300839,)
)
 Appellant,)
 vs.)
)
 South Carolina Department of Corrections,)
)
 Respondent.)

Docket No.: 21-ALJ-04-0033-AP

Grievance No.: LCI 595-20

ORDER RECEIVED
MAR 31 2021
SC Court of Appeals

This matter came before the South Carolina Administrative Law Court (ALC or Court) pursuant to the Notice of Appeal filed on February 5, 2021 by Lawrence Crawford (Appellant), an inmate incarcerated with the South Carolina Department of Corrections (Department). In his appeal, Appellant explained that Department policy requires him to use the kiosk to address issues involving property rights and state created liberty interests. Appellant contended that using the kiosk violates his religious beliefs, and therefore, he is being denied a means to seek redress for property rights and state created liberty interests. On February 22, 2021, the Court determined that Appellant failed to allege deprivation of a state-created liberty or property interest and dismissed the appeal for lack of jurisdiction pursuant to *Howard v. South Carolina Department of Corrections*, 399 S.C. 618, 733 S.E.2d 211 (2012).

On March 4, 2021, Appellant filed a motion requesting the Court reinstate his appeal. Pursuant to ALC Rule 65, ... "The decision of the Administrative Law Judge is a final decision and motions for reconsideration will not be reconsidered" ... However, the Court is deviating from this rule because of Appellant's allegations that his religious freedom is being violated.

After careful review and consideration, the Court finds no basis for reinstating this appeal.¹

¹ The Court acknowledges Appellant's contention that the Department's policy requiring him to use the kiosk is unconstitutional, however, the ALC lacks authority to determine the constitutionality of the policy. See *Video Gaming Consultants, Inc. v. S.C. Dep't of Revenue*, 342 S.C. 34, 38, 535 S.E.2d 642, 644 (2000) (citation omitted) ("ALJs have no authority to pass upon the constitutionality of a statute or regulation."); See also *Beaufort Cty. Bd. of Educ. v. Lighthouse Charter Sch. Comm.*, 335 S.C. 230, 241, 516 S.E.2d 655, 660-61 (1999) (citation omitted) ("An administrative agency must follow the law as written until its constitutionality is judicially determined; an agency has no authority to pass on the constitutionality of a statute."); See also *Hendricks v. S.C. Dep't of Corr.*, 385 S.C. 625, 628, 686 S.E.2d 191, 193 n.3 (2009) ("The ALC was correct to abstain from determining the constitutionality of SCDC Policy GA-01.03:").

FILED

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THEREFORE, IT IS HEREBY ORDERED that the order dismissing this appeal on February 22, 2021 is **AFFIRMED**.

AND IT IS SO ORDERED.



SHIRLEY C. ROBINSON
Administrative Law Judge

March 17th, 2021
Columbia, South Carolina

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 one original in the United States mail, postage paid, or in the interagency Bulk Service addressed to the party(ies) or their attorney(s).

This 17 day of March 2021
By: 
Judicial Law Clerk