

Corr., 360 S.C. 421, 424, 602 S.E.2d 56, 57-58 (2004) (holding that inmates have a right to 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 *Slezack 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." *Slezack*, 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.

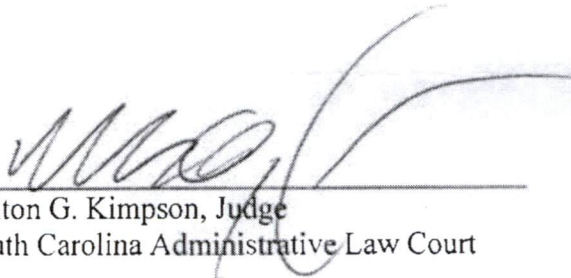
Despite Appellant's contentions, it is abundantly clear that his appeal does not relate to his sentence, sentence-related credits, or custody status. While the Court is sympathetic to Appellant's expressed need for thermals, the Department's failure to provide this type clothing to him does not implicate a protected liberty or property interest.¹ Moreover, Appellant does not allege any conditions of his incarceration that amount to a freedom from restraint that imposes atypical and

¹ Pursuant to SCDC Policy ADM-16.08, "Commissary Operations", Section 4.1.3, the distribution of thermals is job specific and the Department will only provide this clothing to inmates whose jobs fall within a specific category. Notwithstanding, the Department's policy does say that these items are available for purchase by inmates. Although Appellant indicates that he is indigent, this Court does not have the authority to order that the Department provide him with such clothing free of charge.

significant hardship on him in relation to the ordinary incidents of prison life. *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 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).

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

April 13, 2021
Columbia, S.C.


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 13 day of April, 2021
By: A. S. [Signature]
Judicial Law Clerk