

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

RECEIVED

Bernard Bagley, #175851,

Docket No. 21-ALJ-04-0257-AP
Grievance No. KCI 0276-21

AUG 25 2021
SC Court of Appeals

Appellant,

ORDER OF DISMISSAL

vs.

South Carolina Department of Corrections,

Respondent.

This matter is before the South Carolina Administrative Law Court (ALC or Court) pursuant to a Notice of Appeal filed by Bernard Bagley (Appellant), an inmate incarcerated with the South Carolina Department of Corrections (Department or SCDC). Appellant filed a grievance with the Department alleging inadequate medical care and seeks review of the Department's decision. Appellant has not alleged an infringement upon a state-created liberty or property interest.

This Court reviews Department grievance decisions pursuant to the South Carolina Supreme Court decision in Al-Shabazz v. State, 338 S.C. 354, 527 S.E.2d 742 (2000). Under the Al-Shabazz line of cases, this Court may only review matters related to a state-created liberty or property interest. See id., 338 S.C. at 368–69, 527 S.E.2d at 749–50 (vesting the ALC with jurisdiction over the loss of state-created liberty interests such as accrued good time credit); Wicker v. S.C. Dept. of Corrs., 360 S.C. 421, 602 S.E.2d 56 (2004) (holding that inmate had a right to procedural due process in matters involving a state-created right to property such as wages). Specifically, the South Carolina Supreme Court has stated that summary dismissal of an otherwise properly perfected inmate appeal “may be appropriate where the inmate’s grievance does not implicate a **state-created** liberty or property interest.” Slezak v. S.C. Dept. of Corrs., 361 S.C. 327, 331, 605 S.E.2d 506, 508 (2004) (citation omitted) (emphasis added). In a matter concerning inmate medical care, the Court of Appeals reiterated this holding and concluded that an inmate’s request for a medical device implicated no state-created liberty interest. See S.C. Dept. of Corrs. v. Mitchell, 377 S.C. 256, 258–60, 659 S.E.2d 233, 235–36 (Ct. App. 2008).

Because Appellant’s allegations of inadequate medical care do not implicate a state-created liberty or property interest, it is appropriate to summarily dismiss this case.



ORDER

THEREFORE, IT IS HEREBY ORDERED that this appeal is **DISMISSED, WITH PREJUDICE.**

AND IT IS SO ORDERED.

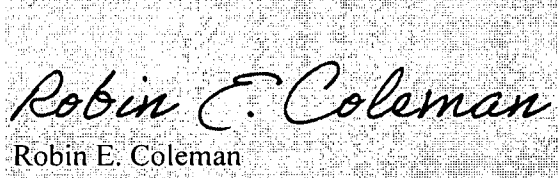
A handwritten signature in black ink that reads "Deborah Brooks Durden". The signature is written in a cursive style and is positioned above the printed name of the judge.

Deborah Brooks Durden, Judge
S.C. Administrative Law Court

July 19, 2021
Columbia, South Carolina

CERTIFICATE OF SERVICE

I, Robin E. Coleman, hereby certify that I have this date served this Order upon all parties to this cause by depositing a copy hereof, in the United States mail, postage paid, or by electronic mail to the address provided by the party(ies) and/or their attorney(s).



Robin E. Coleman

Robin E. Coleman
Judicial Aide to Judge Deborah Brooks Durden

July 19, 2021
Columbia, South Carolina

