

State of South Carolina  
Administrative Law Court

Joseph Thomas,

Appellant,

Vs.

South Carolina Department of Corrections,

Respondent.

Petition for Rehearing En Banc

21-ALJ-04-0253-AP

**RECEIVED**

DEC 29 2021

SC Court of Appeals

Petition for Rehearing En Banc

Appellant contends that this court failed to address South Carolina Code Ann Sec 24-21-635 which reads in part:

For the purpose of determining the time required to be served by a prisoner before he shall be eligible for parole, notwithstanding any other provision of law, all prisoners shall be given the benefit of earned work credits awarded pursuant to Section 24-13-230

As such, those convicted under 44-53-370-375 subsections mandates agency give them earned work credits for every day they are employed, and thus, Sec 24-21-635 removes any discretion they might have not to do so. Similarly Section 24-13-230 reads as follows:

The director of the department of corrections may allow an inmate sentenced to the custody of the department serving a sentence for a "No Parole Offense" defined in Section 24-13-100, who is assigned to a productive duty assignment, including an inmate who is serving time in a local facility pursuant to a designated facility agreement authorized by Section 24-3-20 or 24-3-30 or who is

The State of South Carolina  
**FILED**  
DEC 14 2021  
Administrative Law Court

regularly enrolled and actively participating in an academic, technical, or vocational training program a reduction from the term of his sentence of six days for every month he is employed or enrolled. However, no prisoner serving a sentence for life imprisonment or a mandatory minimum term of imprisonment for thirty years pursuant to Section 16-3-20 is entitled to credits under this provision.

Section 24-13-230(b)

Despite this court ruling, the appellant avers that in his reply brief he has addressed Section 24-13-230(b) and its relation to other statutes. For this reason, it is clear that agency is not affording credits to drug convictions as required by law and a decision reversing this ruling is of public importance.

Wherefore, it is prayed court grant rehearing.

Date: 13 day of DECEMBER, 2021.

Respectfully submitted,

s/ Thomas  
Joseph Thomas, Pro Se

**DENIED**

Ralph K. Anderson, III 12/16/2021  
Ralph K. Anderson, III Date  
Chief Administrative Law Judge

16 day of december  
[Signature]

JOE PH THOMAS # 315894  
LEE CORP. INST. F2B-1246  
990 Wisacky Hwy  
BISHOPVILLE, SC 29010

US POSTAGE  
\$001.56  
PERMIT NO. 23  
BISHOPVILLE, SC 29010

SOUTH CAROLINA COURT OF APPEALS  
1220 SENATE STREET  
COLUMBIA, SC 29201

RECEIVED  
DEC 29 2021  
SC Court of Appeals

