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SC Court of Appeals

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Carl J. Chisolm, #185789,)
)
Appellant,)
)
v.)
)
South Carolina Department of)
Corrections,)
)
Respondent.)

Docket No. 22-ALJ-04-0010-AP

ORDER OF DISMISSAL

This matter is before the South Carolina Administrative Law Court (ALC or Court) pursuant to the Notice of Appeal filed by Michael A. Odom (Appellant), an inmate incarcerated with the South Carolina Department of Corrections (Department or SCDC). Appellant appeals from the denial of a Step 2 Grievance. Appellant contends that the Department failed to take any action when he complained that his cellmate violated SCDC protocol by bringing contaminated items from a trash can into their cell. Appellant further contends that this contamination contributed to his COVID diagnosis.

DISCUSSION

The Court's jurisdiction to hear this matter is derived from the decision of the South Carolina Supreme Court in *Al-Shabazz v. State*, 338 S.C. 354, 527 S.E.2d 742 (2000). In *Al-Shabazz*, the Court held that the ALC's jurisdiction in inmate appeals is limited to state-created liberty interests typically involving: (1) cases in which an inmate contends that prison officials have erroneously calculated his sentence, sentence-related credits, or custody status; and (2) cases in which an inmate has received punishment in a major disciplinary hearing as a result of a serious rule violation. *Id.* at 382, 527 S.E.2d at 757. "The only way for the [ALC] to obtain subject matter jurisdiction over [an inmate's] claim is if it implicates a state-created liberty interest." *Sullivan v. S.C. Dep't of Corr.*, 355 S.C. 437, 443, 586 S.E.2d 124, 127 (2003). Subsequently, in *Slezak v. S.C. Dep't of Corr.*, 361 S.C. 327, 331, 605 S.E.2d 506, 508 (2004), cert. denied, 540 U.S. 1000, 125 S.Ct. 2266, 161 L.E.2d 1060 (2005), our Supreme Court explained that while the ALC

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jurisdiction over properly filed inmate grievance appeals, summary dismissal is appropriate “where the inmate's grievance does not implicate a state-created liberty or property interest.”

Despite Appellant's contentions, he: (a) was not sanctioned with the loss of any good time credits; (b) made no claim for the loss of any other state created liberty or property interest; and, (c) made no contention that his sentence, sentence related credits or custody status has been erroneously calculated. While the Court sympathizes with alleged unsanitary circumstances, there is clearly no state created liberty interest implicated here. Without such a liberty interest, this Court cannot address any of the matters raised in inmate's appeal. *See Slezak* 361 S.C. at 331, 605 S.E.2d at 508 (“[s]ummary dismissal may be appropriate where the inmate's grievance does not implicate a state created liberty or property interest.”) Therefore,


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

March 31, 2022
Columbia, SC


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 thereof in the United States mail, postage paid, or in the Emergency Mail Service addressed to the party(ies) or their attorney(s).

This 31 day of March, 2022
By: 
Judicial Law Clerk