

MICHAEL E. KEELING,	:	No. 30 EAP 2022
	:	
Appellant	:	Appeal from the Order of
	:	Commonwealth Court dated
	:	July 7, 2022, at No. 166 M.D. 2021
v.	:	
	:	
	:	
MR. FAGAN AND MRS. NEWBERRY,	:	
BOTH GRIEVANCE COORDINATORS	:	
FOR DEPARTMENT OF CORRECTIONS,	:	
	:	
Appellees	:	

**AND NOW**, this 28th day of September, 2023, the decision of the Commonwealth Court is **AFFIRMED IN PART** and **VACATED IN PART** and the matter is **REMANDED** to the Commonwealth Court for further proceedings consistent with this Order. In his petition for review addressed to the Commonwealth Court's original jurisdiction, Petitioner/Appellant Michael E. Keeling (Keeling) alleges that he filed a grievance (perhaps more than one) relating to the confiscation of his "Venda Card," which had a monetary value (or balance), while he was an inmate at the State Correctional Institution at Dallas (Venda Card Grievance). Keeling further alleges that Appellees have refused to process this particular grievance(s). Keeling sought, *inter alia*, an order from the Commonwealth Court, directing that Respondents/Appellees decide the Venda Card Grievance. "It is beyond dispute that money is property" and that "[p]rivate property cannot be taken by the government without due process." *Holloway v. Lehman*,

671 A.2d 1179, 1181 (Pa. Cmwlth. 1996). In *Bronson v. Central Office Review Committee*, 721 A.2d 357 (Pa. 1998), the Court recognized that inmates retain constitutional protections for personal or property interests not limited by Department of Corrections regulations. Accordingly, an inmate grievance final determination that affects such a personal or property interest is an adjudication subject to appellate review by the Commonwealth Court. See *Bronson*, 721 A.2d at 359. As the Commonwealth Court's stated reasons for dismissing Keeling's claim related to his Venda Card Grievance do not include consideration of the alleged property interest involved or whether the alleged inaction on Keeling's Venda Card Grievance has frustrated Keeling's ability to receive a final adjudication that would be appealable under *Bronson*, the Commonwealth Court's July 7, 2022 Order dismissing Keeling's petition for review in the nature of a complaint in mandamus is **VACATED** as to that particular claim only and **REMANDED** to the Commonwealth Court for further consideration. In all other respects, the Commonwealth Court's July 7, 2022 Order is **AFFIRMED**.

Keeling's application for relief requesting leave to file a reply brief *nunc pro tunc* is **DENIED** as moot.