

The South Carolina Court of Appeals

Debra Wilson, Claimant, Appellant,

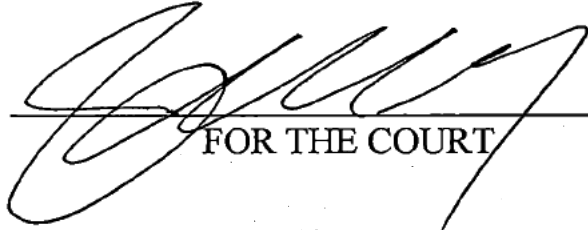
v.

NHC Homecare Midlands, Employer, and Premier Group
Insurance Co., Carrier, Respondents.

Appellate Case No. 2024-000038

ORDER

After careful consideration, Respondent's motion to dismiss is granted. *See* S.C. Code Ann. § 1-23-39-80 ("A party who has exhausted all administrative remedies available within the agency and who is aggrieved by a *final decision* in a contested case is entitled to judicial review pursuant to this article and Article 1." (emphasis added)); *Rose v. JJS Trucking, LLC*, 411 S.C. 366, 368, 768 S.E.2d 412, 413 (Ct. App. 2015) ("Section 1-23-380 of the [Administrative Procedures] Act limits appeals to those from a 'final decision' of the commission. An order of the commission is not a final decision unless it resolves the entire action."); *Price v. Peachtree Elec. Servs., Inc.*, 405 S.C. 455, 457, 748 S.E.2d 229, 230 (2013) ("An agency decision that does not decide the merits of a contested case is not a final agency decision subject to judicial review."); *Charlotte-Mecklenburg Hosp. Auth. v. S.C. Dep't of Health & Env't Control*, 387 S.C. 265, 266–67, 692 S.E.2d 894 (2010) (holding that S.C. Code Ann. § 14-3-330 is inapplicable to appeals under the APA, and an order requiring some further act to be done in order to determine the rights of the parties is not immediately appealable pursuant to the more specific statute governing APA cases); *Bone v. U.S. Food Serv.*, 404 S.C. 67, 80, 744 S.E.2d 552, 560 (2013) ("We find it would be inconsistent to declare that section 14-3-330's standard of 'involving the merits' does not apply to APA cases, while simultaneously allowing the same concept of 'involving the merits' to be applied by simply asserting the statute is not being relied upon."). The remittitur will be sent as required by Rule 221(b), SCACR.



FOR THE COURT

Columbia, South Carolina

FILED
Aug 14 2024

cc:

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