

The South Carolina Court of Appeals

Michael McCain, Employee, Appellant,

v.

Toby Parker d/b/a West Manning Auto and William
Shepherd, Employers, and South Carolina Workers'
Compensation Uninsured Employers' Fund, Defendant,
Respondents.

Appellate Case No. 2013-001071

ORDER

Appellant appeals the order from an appellate panel of the Workers' Compensation Commission, which vacated and remanded the case to the single commissioner for a hearing de novo. Because the appellate panel's order vacates and remands the case for further proceedings, the order appealed from is not immediately appealable. *See* S.C. Code Ann. § 1-23-380 (Supp. 2012) ("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"); *Bone v. U.S. Food Serv.*, 404 S.C. 67, 73, 744 S.E.2d 552, 556 (2013) ("An agency decision which does not decide the merits of a contested case . . . is not a final agency decision subject to judicial review" (internal quotation marks and citation omitted)); *Price v. Peachtree Elec. Servs., Inc.*, Op. No. 27314 (S.C. Sup. Ct. filed Sept. 11, 2013) (Shearhouse Adv. Sh. No. 40 at 28) (finding an order of the appellate panel remanding the case to the single commissioner was not immediately appealable). Accordingly, this appeal is dismissed.


FOR THE COURT

FILED

9/30/13

Columbia, South Carolina

cc:

J. Joseph Condon, Jr.

Timothy Blair Killen