

# The South Carolina Court of Appeals

Antonio Lazaro, by and through his GAL Decidora  
Lazaro, Employee, Respondent,

v.

Burriss Electrical, Inc., Employer, and CompTrust AGC  
of the Carolinas, Carrier, Appellants.

Appellate Case No. 2011-192272

---

## ORDER

---

On September 11, 2013, immediately prior to scheduled oral arguments, Respondent's counsel advised this court that the parties had entered into a settlement agreement relating to Respondent's workers' compensation claim. Counsel requested this court to continue oral arguments "to allow [him] the opportunity to file a Motion to Compel a Settlement Agreement[.]" Counsel for Appellants denied the existence of a binding settlement agreement between the parties. This court denied the request to continue oral arguments but ordered the parties to submit supplemental briefs addressing the proper forum to determine the existence, and possible enforcement, of the purported settlement agreement.

We now hold this appeal in abeyance pending a determination by the South Carolina Workers' Compensation Commission of whether there exists a binding agreement between the parties to settle Respondent's claim and the possible enforcement of any such agreement. We remand this case to the Commission for this limited purpose and retain jurisdiction to resolve the appeal should the Commission determine there is no enforceable settlement agreement. The Commission shall make a written determination and report its findings to this court within thirty days of the date of this order.

*Thomas C. Hoff*

J.

*John D. Beatty*

J.

*James E. Eckert*

J.

Columbia, South Carolina

cc:

Preston F. McDaniel

John Earl Duncan

Helen Faith Hiser

Landon L. Hughey

Weston Adams, III

**FILED**

October 3, 2013