

**RECEIVED**

JUL 08 2014

**SC Court of Appeals**

**THE STATE OF SOUTH CAROLINA**

**In the Court of Appeals**

**PETITION FROM THE COURT OF APPEALS**

**John C. Few, Chief Justice**

**Opinion No.: 2013-002491**

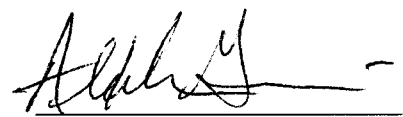
**Alexander Guice,.....Petitioner,**

**v.**

**US Food Service, Inc., and ACE American Insurance  
Company c/o Gallagher Bassett Service, Inc.,.....Respondents.**

**Notice of Petition for  
Writ of Certiorari**

Alexander Guice seeks a review of the order of the Honorable John C. Few dated April 24<sup>th</sup>, 2014. Petitioner received notice of entry of the June 5<sup>th</sup>, 2014 order denying petition for reinstatement on June 9<sup>th</sup>, 2014.



Alexander Guice  
Post Office Box 13281  
Tampa, FL 33681  
(813) 562-0547  
Petitioner, Pro Se

July 5, 2014

# The South Carolina Court of Appeals

Alexander Guice, Appellant,

v.

US Food Service, Inc., and ACE American Insurance  
Company c/o Gallagher Bassett Services, Inc.,  
Respondents.

Appellate Case No. 2013-002491

---

## ORDER

---

Respondents have filed a motion to dismiss, arguing the order Appellant has appealed from is not a final order. Appellant has filed a return. After careful consideration, we agree with Respondents that the order is not final, and thus not immediately appealable. As we will explain, we dismiss the appeal and remand it to the circuit court.

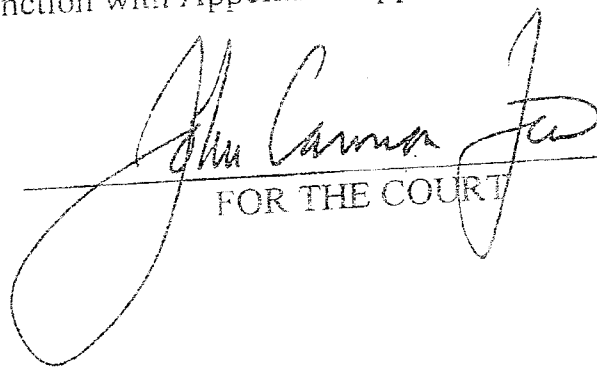
"[A]ppeals in administrative agency matters are handled differently than appeals in other cases." *Bone v. U.S. Food Serv.*, 399 S.C. 566, 574, 733 S.E.2d 200, 204 (2012), *adhered to on reh'g*, 404 S.C. 67, 744 S.E.2d 552 (2013). "An aggrieved party may obtain a review of any final judgment of the circuit court under this article by taking an appeal in the manner provided by the South Carolina Appellate Court Rules as in other civil cases." S.C. Code Ann. § 1-23-390 (2005).<sup>1</sup> "A final judgment disposes of the whole subject matter of the action or terminates the

---

<sup>1</sup> Although this statute was amended in 2006, the 2005 version applies because Appellant's injury occurred prior to July 1, 2007. See *Pee Dee Reg'l Trans. v. S.C. Second Injury Fund*, 375 S.C. 60, 62, 650 S.E.2d 464, 465 (2007) ("[T]he change regarding the appeal procedure . . . is only applicable to Workers' Compensation cases in which the injury occurred on or after July 1, 2007.").

particular proceeding or action, leaving nothing to be done but to enforce by execution what has been determined." *Charlotte-Mecklenburg Hosp. Auth. v. S.C. Dep't of Health & Env'tl. Control*, 387 S.C. 265, 267, 692 S.E.2d 894, 895 (2010).

The circuit court's order was not a final judgment that is entitled to appellate review. See S.C. Code Ann. § 1-23-390 (2005) (noting the administrative procedures act allows an aggrieved party to appeal a *final judgment* of the circuit court); *Bone*, 399 S.C. at 574, 733 S.E.2d at 204 ("[A]ppeals in administrative agency matters are handled differently than appeals in other cases."). Although the circuit court dismissed Appellant's appeal, it noted Appellant may have an appeal once the full commission entered a final order. Appellant's case was still pending before the full commission on June 13, 2013, when the circuit court dismissed this appeal. On July 17, 2013, the full commission entered a final order. Appellant appealed the July 17, 2013 order to this court, and on December 6, 2013, this court transferred Appellant's appeal from the July 17, 2013 order to the circuit court. Thus, it appears Appellant currently has another appeal pending under the Workers' Compensation Commission (WCC) file number 0506205. See *Bone*, 399 S.C. at 575-76, 733 S.E.2d at 205 ("[P]iecemeal appeals in agency cases . . . would adversely affect judicial economy and compromise informed appellate review."). The fact that Appellant has an appeal pending in circuit court under WCC file number 0506205--the same WCC file number Appellant appealed from here--is evidence that the circuit court's June 13, 2013 order was not a final judgment. See *Charlotte-Mecklenburg Hosp. Auth.*, 387 S.C. at 267, 692 S.E.2d at 895 ("A final judgment disposes of the whole subject matter of the action or terminates the particular proceeding or action, leaving nothing to be done but to enforce by execution what has been determined."). Accordingly, Respondents' motion to dismiss is granted. This case is remanded to the circuit court, which shall consider the merits of this appeal in conjunction with Appellant's appeal from the commission's final order.

  
FOR THE COURT

Columbia, South Carolina

cc: Alexander Guice  
Erin Leigh Hantske, Esquire

FILED  
4/24/14

# The South Carolina Court of Appeals

Alexander Guice, Appellant,

v.

US Food Service, Inc., and ACE American Insurance  
Company c/o Gallagher Bassett Services, Inc.,  
Respondents.

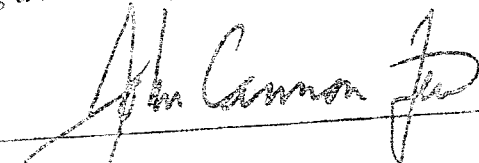
Appellate Case No. 2013-002491

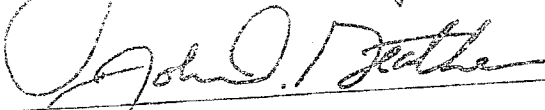
---

## ORDER

---

This appeal was dismissed on April 24, 2014. Appellant has filed a petition for reinstatement, which we construe as a petition to rehear the dismissal of this appeal. After careful consideration, the Court is unable to discover that any material fact or principle of law has been either overlooked or disregarded, and hence, there is no basis for granting a rehearing. Accordingly, the petition for rehearing is denied.


 \_\_\_\_\_ C.J.

 \_\_\_\_\_ J.

 \_\_\_\_\_ A.J.

Columbia, South Carolina

cc: Alexander Guice  
Erin Leigh Hantske, Esquire

**FILED**  
6/5/14 

**THE STATE OF SOUTH CAROLINA**

**In the Court of Appeals**

**PETITION FROM THE COURT OF APPEALS**

**John C. Few, Chief Justice**

---

**Opinion No.: 2013-002491**

---

**Alexander Guice,.....Petitioner,**

**v.**

**US Food Service, Inc., and ACE American Insurance  
Company c/o Gallagher Bassett Service, Inc.,.....Respondents.**

---

**PROOF OF SERVICE**

---

I hereby certify that I provided a cover letter, a notice of petition for writ of certiorari, copies of the April 24<sup>th</sup>, 2014 and June 5<sup>th</sup>, 2014 opinions and proof of service by depositing the same in the US Postal Service on July 5<sup>th</sup>, 2014 with sufficient first class and certified postage affixed, and addressed to: Erin L. Hantske, Esq. P.O. Box 650007 Mt. Pleasant, SC 29465 on this 5<sup>th</sup> day of July 2014.



---

Alexander Guice  
Post Office Box 13281  
Tampa, FL 33681  
(813) 562-0547  
Petitioner, Pro Se

July 5, 2014

# Alexander Guice

---

P.O. Box 13281  
Tampa, FL 33681  
Phone: (813) 562-0547  
Email: [alguice@hotmail.com](mailto:alguice@hotmail.com)

July 5, 2014

The Honorable Jenny A. Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

**RECEIVED**

JUL 08 2014

**SC Court of Appeals**

Re: Alexander Guice v. U.S. Food Service, Inc. and ACE American Insurance Company c/o  
Gallagher Bassett Services, Inc.  
Appellate Case No.: 2013-002941

Dear Ms. Kitchings:

1. Please find enclosed an original and a copy of a notice of petition for writ of certiorari; a copy of the April 24<sup>th</sup>, 2014 and June 5<sup>th</sup>, 2014 opinions and proof of service in regard to the above captioned matter. Please date stamp the undersigned's copies and return in the prepaid self-addressed envelope enclosed for your convenience.
2. By copy of this letter a copy of the same with enclosures has been furnished to Erin L. Hantske, the counsel of record for the Respondents.
3. Should you have any questions or concerns, please do not hesitate to contact the undersigned. Thank you for your assistance in this matter.

Very truly yours,



Alexander Guice  
Appellant, *pro se*

Enclosure(s): As stated

cc: Erin L. Hantske (via cert. mail w/encl.)

# Alexander Guice

---

P.O. Box 13281  
Tampa, FL 33681  
Phone: (813) 562-0547  
Email: [alguice@hotmail.com](mailto:alguice@hotmail.com)

July 5, 2014

The Honorable Jenny A. Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

**RECEIVED**

JUL 08 2014

**SC Court of Appeals**

Re: Alexander Guice v. U.S. Food Service, Inc. and ACE American Insurance Company c/o  
Gallagher Bassett Services, Inc.  
Appellate Case No.: 2013-002941

Dear Ms. Kitchings:

1. Please find enclosed an original and a copy of a notice of petition for writ of certiorari; a copy of the April 24<sup>th</sup>, 2014 and June 5<sup>th</sup>, 2014 opinions and proof of service in regard to the above captioned matter. Please date stamp the undersigned's copies and return in the prepaid self-addressed envelope enclosed for your convenience.
2. By copy of this letter a copy of the same with enclosures has been furnished to Erin L. Hantske, the counsel of record for the Respondents.
3. Should you have any questions or concerns, please do not hesitate to contact the undersigned. Thank you for your assistance in this matter.

Very truly yours,



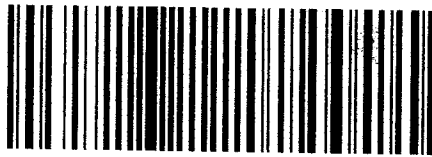
Alexander Guice  
Appellant, *pro se*

Enclosure(s): As stated

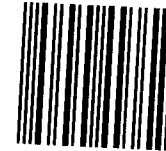
cc: Erin L. Hantske (via cert. mail w/encl.)

**CERTIFIED MAIL™**

Post Office Box 13281  
Tampa, Florida 33681



7010 0290 0000 1808 5287



1000

29211

U.S. POSTAGE  
PAID  
TAMPA, FL  
33630  
JUL 05 14  
AMOUNT

**\$4.00**  
00091003-35

**RECEIVED**

JUL 08 2014

**SC Court of Appeals**

CLERK OF COURT  
Post Office Box 11629  
Columbia, South Carolina 29211

29211162929

