

The South Carolina Court of Appeals

Shannon Cook, Claimant, Respondent,

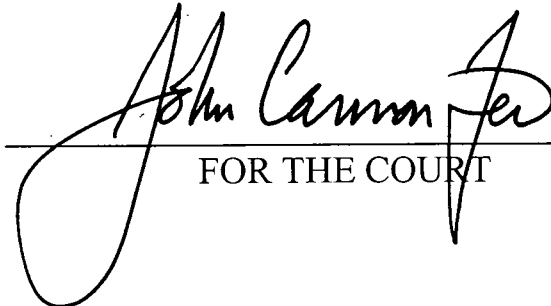
v.

Spartanburg Steel Products, Inc., Defendant, Appellant.

Appellate Case No. 2014-001372

ORDER

Respondent has filed a motion to dismiss, alleging the order of the Appellate Panel of the South Carolina Workers' Compensation Commission is not a final order that may be immediately appealed. Appellant filed a return, and Respondent filed a reply. After careful consideration, we dismiss Appellant's appeal. The order on appeal is not a final judgment, and therefore, it is not immediately appealable. *See* S.C. Code Ann. § 1-23-380 (Supp. 2013) ("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 . . ."). A "final judgment" is an order "that finally disposes of the whole subject matter of the action or terminates the action, leaving nothing to be done but to execute the judgment." *Bone v. U.S. Food Serv.*, 404 S.C. 67, 83, 744 S.E.2d 552, 561 (2013). Under *Bone*, the Appellate Panel's order is not a final judgment. The order states the Appellate Panel held "[a]ll other issues not addressed herein . . . in abeyance pending a final order . . ." Specifically, the order indicates the Appellate Panel held the issues of temporary total disability and permanent disability in abeyance because it was premature to rule upon permanency. Because the order is not immediately appealable, we dismiss the appeal.


FOR THE COURT

Columbia, South Carolina

cc: Ryan Spence Montgomery, Esquire
Bradford B. Easterling, Esquire

FILED

August 29, 2014