

# The South Carolina Court of Appeals

Yuasa-Exide, Inc., Employer, and Arrowpoint Capital Corporation, Carrier,

v.

South Carolina Second Injury Fund, Respondent,

In Re: Glinda Bossard, Odell Bradley, Vernice Brunson, David Davis, Century Gamble, Harold Harvin, Sidney Hodge, David Laws, Richard McConico, and Johnnie Lee Taylor,

v.

Yuasa-Exide, Inc., Employer, and Arrowwood Indemnity Company, Carrier, Defendants,

Ex Parte: Liberty Mutual Insurance Company, Appellant.

AND

Yuasa-Exide, Inc., Employer, and Arrowpoint Capital Corporation, Carrier,

Of whom Arrowpoint Capital Corporation/Arrowwood Indemnity Company is the Appellant,

v.

South Carolina Second Injury Fund, Respondent,

In Re: Robert Billie, Wayne Braxton, David Bunker, John Carter, Allen Clemmons, Roger Conyers, William Copeland, and Vincent Gaillard,

v.

Yuasa-Exide, Inc., Employer, and Arrowood Indemnity  
Company, Carrier, Defendants.

Appellate Case No. 2015-001704

---

ORDER

---

Liberty Mutual Insurance Company and Arrowpoint Capital Corporation/  
Arrowood Indemnity Company have appealed orders of the circuit court  
dismissing these actions because the underlying orders of the Workers'  
Compensation Commission, which stayed the actions, were not final orders. By  
order dated October 15, 2015, this court consolidated these cases (Appellate Case  
No. 2015-001704 and 2015-001706). These appeals are dismissed because the  
underlying orders staying the actions are not final decisions of the Workers'  
Compensation Commission. *See* S.C. Code Ann. § 1-23-380 (Supp. 2014)  
(limiting appeals of the commission to those from a "final decision"); *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."); *Bone v. U.S. Food Serv.*, 404 S.C. 67,  
73, 744 S.E.2d 552, 556 (2013) (same); *Lee v. Bondex, Inc.*, 406 S.C. 97, 103-04,  
749 S.E.2d 155, 158 (Ct. App. 2013) (finding this court could not review the  
decision of the Workers' Compensation Appellate Panel to hold in abeyance a  
decision about whether the claimant suffered compensable injury to his back, right  
shoulder, or right arm because it was not a final decision). Further, an immediate  
review of this decision is not necessary to provide Appellants an adequate remedy.  
*See* S.C. Code Ann. § 1-23-380 (Supp. 2014) ("A preliminary, procedural, or  
intermediate agency action or ruling is immediately reviewable if review of the  
final agency decision would not provide an adequate remedy."). The remittitur  
will be sent as provided by Rule 221(b), SCACR.

  
FOR THE COURT

Columbia, South Carolina

**FILED**  
10/27/15

cc: Vernon F. Dunbar, Esquire  
Timothy Blair Killen, Esquire  
SC Second Injury Fund  
Latonya Dilligard Edwards, Esquire