

STATE OF SOUTH CAROLINA)

COUNTY OF RICHLAND)

Clarence B. Jenkins, Jr.,)

Plaintiff,)

v.)

South Carolina Workers' Compensation)
Commission,)

Defendants.)

IN THE COURT OF
COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

C/A NO. 2015-CP-40-07178

RECEIVED

JUN 30 2016

ORDER SC Court of Appeals

2016 MAY 27 AM 11:08
JEANNETTE W. MCBRIDE
C.C.P. & G.S.
RICHLAND COUNTY
FILED

This matter comes before the Court to decide Defendant's Motion to Dismiss the Complaint dated December 31st, 2015. This matter was heard before the undersigned on March 22nd, 2016 at 3:30 pm. *Pro se* Plaintiff was present on his own behalf. J. Keith Roberts, Esquire, appeared on behalf of Defendant.

The instant action arises out of Plaintiff's Summons and Complaint filed December 3rd, 2015, alleging a cause of action against the South Carolina Workers' Compensation Commission, a Government Entity created under Title 42, South Carolina Code of Laws. Plaintiff previously filed with the Commission a workers' compensation claim against his employer, which was fully and finally decided by the Appellate Panel of the Commission on February 23rd, 2016. To date, there is no record of Plaintiff appealing this matter to the South Carolina Court of Appeals. While the appeal of his workers' compensation claim was pending before the Commission for adjudication, Plaintiff filed the instant suit in Richland County naming the Commission as the Defendant.

The court finds that Plaintiff's Complaint does not allege a justiciable controversy. Under the laws of this State, the sole remedy available for a claimant alleging he is aggrieved by a decision and order of the Workers' Compensation Commission is provided under S.C. Code Ann. § 42-17-60, which prescribes the method by which a party may appeal a Commission

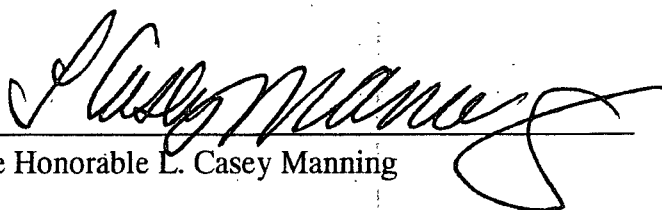
SCANNED

decision to the courts. This court lacks subject-matter jurisdiction over questions arising under the South Carolina Workers' Compensation Act. S.C. Code Ann. § 42-3-180. Plaintiff has failed to state facts sufficient to constitute a cause of action because a government entity is not liable for an alleged loss resulting from judicial or quasi-judicial action or inaction, or the exercise of discretion or judgment by the government entity. S.C. Code Ann. § 15-78-60. Plaintiff has failed to state any facts to support his assertion that the Commission violated any laws in its orders, opinions, or awards issued in relation to his workers' compensation claim.

Therefore, it is ORDERED that Defendant's Motion to Dismiss the Complaint is GRANTED pursuant to Rules 12(b)(1) and 12(b)(6), SCRPC. Accordingly, Plaintiff's Summons and Complaint is hereby DISMISSED WITH PREJUDICE.

As this Order dismissing Plaintiff's Complaint is dispositive of all issues pending in this matter, Plaintiff's remaining Motions are hereby DISMISSED as being moot.

AND SO IT IS ORDERED!


The Honorable L. Casey Manning

May 27, 2016
DATE

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