

The South Carolina Court of Appeals

Scott M. Colstrom, Claimant, Appellant,

v.

SBC Internet Services, Inc., Employer, and Old Republic
Insurance Company, Carrier, Respondents.


Appellate Case No. 2016-000848

ORDER

Appellant has appealed an order of the Appellate Panel of the South Carolina Workers' Compensation Commission vacating the single commissioner's order and remanding the matter for a *de novo* hearing. Respondents have now filed a motion to dismiss the appeal, alleging the order is not immediately appealable. Appellant filed a return, contending the Appellate Panel abrogated Appellant's due process rights by failing to cite to any grounds for remand and by prohibiting a particular commissioner from hearing the case on remand.

After careful consideration, this appeal is dismissed because the underlying order is not a final decision of the Workers' Compensation Commission. *See* S.C. Code Ann. § 1-23-380 (Supp. 2015) (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); *see also* *Charlotte-Mecklenburg Hosp. Auth. v. S.C. Dep't of Health & Envtl. Control*, 387 S.C. 265, 692 S.E.2d 894 (2010) (reiterating that appeals from administrative agencies may be sought only from final decisions, explaining the general appealability statute, section 14-3-330 of the South Carolina Code (1976 & Supp. 2015), does not apply to appeals from administrative agencies, and overruling this court's opinion in *Canteen v. McLeod Regional Medical Center*, 384 S.C. 617, 682 S.E.2d 504 (Ct. App. 2009), to the extent it relied on section 14-3-330 to permit the

appeal of interlocutory orders of the administrative law court or an administrative agency).


FOR THE COURT

Columbia, South Carolina

FILED

July 28, 2016

cc:

Alton Lamar Martin, Jr., Esquire

Matthew Oliver Riddle, Esquire

Catherine Holland Chase, Esquire

Stephen Lynwood Brown, Esquire