



The South Carolina Court of Appeals

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August 17, 2016

The Honorable Amy Bracy
Worker's Compensation Commission
Post Office Box 1715
Columbia SC 29202

REMITTITUR

Re: Scott Colstrom v. SBC Internet Services
Lower Court Case No. 1307169
Appellate Case No. 2016-000848

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,


CLERK

Enclosure

cc: Alton Lamar Martin, Jr., Esquire
Matthew Oliver Riddle, Esquire

Catherine Holland Chase, Esquire
Stephen Lynwood Brown, Esquire

The South Carolina Court of Appeals

Scott M. Colstrom, Claimant, Appellant,

v.

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

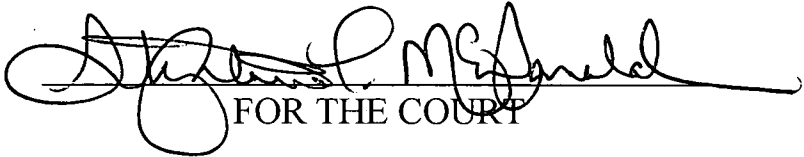
Appellate Case No. 2016-000848

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