

The South Carolina Court of Appeals

Terry McCall, Appellant,

v.

Trojan Labor and Hire Quest, LLC, and Respondents.

Appellate Case No. 2016-001457

ORDER

Appellant initiated this appeal by filing a motion for default judgment against Respondents, which this court construed as a notice of appeal. However, the order from which Appellant has appealed is by a single commissioner of the Workers' Compensation Commission (the Commission). Because a single commissioner's decision must first be appealed to the Commission's Appellate Panel, this court lacks appellate jurisdiction to review the order. *See* S.C. Code Ann. § 1-23-380 (Supp. 2015) ("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 pursuant to [the Administrative Procedures Act (the APA)] and Article 1." (emphasis added)); *Lark v. Bi-Lo, Inc.*, 276 S.C. 130, 133, 276 S.E.2d 304, 306 (1981) (ruling the Commission is an "agency" under the APA); *Riddle v. Fairforest Finishing Co.*, 198 S.C. 419, 18 S.E.2d 341, 344 (1942) ("If [a] claimant . . . [can] ignore the [f]ull [c]ommission, and appeal direct from the award made by . . . the Single Commissioner, he will defeat completely the intent of the [l]egislature . . ."); *Janhrette v. Union Camp Paper Corp.*, 293 S.C. 59, 60, 358 S.E.2d 704, 705 (1987) (affirming the circuit court's dismissal of an appeal from a single commissioner's order because the order was not first reviewed by the full Commission). Accordingly, this appeal is dismissed. The remittitur will be sent as provided by Rule 221(b), SCACR.


FOR THE COURT

FILED

September 30, 2016

Columbia, South Carolina

cc: Terry McCall, #233236
Ellen M. Adams, Esquire
Amy Bracy