

# The South Carolina Court of Appeals

Annette B. Lee, Employee, Claimant,  
Respondent/Appellant,

v.

Action Staffing/American Services, Inc., Employer, and  
Liberty Mutual Ins. Co., Carrier,  
Appellants/Respondents.

Appellate Case No. 2012-212273

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## ORDER

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On January 11, 2013, this appeal was held in abeyance pending the supreme court's rehearing of *Bone v. U.S. Food Service*, 399 S.C. 566, 733 S.E.2d 200 (2012). The supreme court has now issued its decision. *See Bone v. U.S. Food Serv.*, \_\_\_ S.C. \_\_\_, 744 S.E.2d 552 (2013). Based upon that decision, we no longer hold this appeal in abeyance.

Furthermore, after careful consideration of the parties' filings, this appeal is dismissed because the underlying order is not immediately appealable. *See* S.C. Code Ann. § 1-23-390 (Supp. 2012) (providing "[a]n aggrieved party may obtain a review of a final judgment of the circuit court"); *Bone*, \_\_\_ S.C. at \_\_\_, 744 S.E.2d at 562 (holding the circuit court order remanding the case to the commission was not a final judgment under section 1-23-390 and thus was not immediately appealable); *Long v. Sealed Air Corp.*, 391 S.C. 483, 485, 706 S.E.2d 34, 35 (Ct. App. 2011) (holding the circuit court's order remanding the case to the commission was not immediately appealable because the commission had to conduct further proceedings before a final judgment could be reached).

  
FOR THE COURT

FILED  
2/9/13

Columbia, South Carolina

cc:

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J. Kevin Couch