

The South Carolina Court of Appeals

Terry Capone, Appellant,

v.

City of Columbia, Employer, and City of Columbia,
Carrier, Respondents.

Appellate Case No. 2018-002190

ORDER

This appeal arises out of an order of the single commissioner denying the appellant's motion to reconsider. The order indicates a final decision on the merits of the appellant's Form 50 is still pending. Accordingly, this appeal is dismissed because the decision of the Workers' Compensation Commission is not final. *See* S.C. Code Ann. § 1-23-380 (Supp. 2018) ("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. . . ."); *Bone v. U.S. Food Service*, 404 S.C. 67, 84, 744 S.E.2d 552, 561 (2013) (finding the Administrative Procedures Act (APA) governs appeals in administrative cases and dismissing interlocutory appeals pursuant to the APA). The remittitur will be sent as provided by Rule 221(b) of the South Carolina Appellate Court Rules.


FOR THE COURT

Columbia, South Carolina

cc:

Terry Capone
Cynthia C. Dooley, Esquire
Carmelo Barone Sammataro, Esquire
Amy Bracy

FILED

January 3, 2019