

# The South Carolina Court of Appeals

Sherry L. Floyd, Employee, Respondent,

v.

McLeod Health, Employer, and McLeod Health Self  
Insured c/o Antum Risk, Carrier, Appellants.

Appellate Case No. 2021-000932

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## ORDER

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Appellants appeal an order of the Workers' Compensation Commission single commissioner, which vacates a previous order that conditionally dismissed Respondent's claim and ordered Respondent to show cause for her failure to attend the hearing. The single commissioner's order vacated the prior order and scheduled a new hearing. Appellants have, simultaneously with this appeal, appealed the single commissioner's order to the appellate panel. Moreover, the new hearing has already taken place and Respondent's appeal to the appellate panel is also pending. Because the underlying order on appeal is not immediately appealable, this appeal is dismissed. *See* S.C. Code Ann. Regs. 67-701 (providing an appeal from the order of the single commissioner is initiated by filing a Form 30, requesting review by the appellate panel); *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."). The remittitur will be sent as required by Rule 221(b), SCACR.



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FOR THE COURT

Columbia, South Carolina

cc:

Walter Hilton Barefoot, Esquire

Helen F Hiser, Esquire

William Ceth Land, Esquire

Amy Bracy

**FILED**  
**Oct 25 2021**