

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

Denica Powell, Appellant,

v.

Petsmart, Inc., and Phoenix Insurance Co., Respondents.

Appellate Case No. 2014-000930

Appeal From The Workers' Compensation Commission

Unpublished Opinion No. 2015-UP-119
Submitted February 1, 2015 – Filed March 11, 2015

DISMISSED

Gene McCain Connell, Jr., of Kelaher Connell &
Connor, PC, of Surfside Beach, for Appellant.

John Davis Stroud and Frank Reid Warder, Jr., both
of Warder Law Firm, LLC, of Charleston, for
Respondents.

PER CURIAM: Affirmed pursuant to Rule 220(b), SCACR, and the following
authorities: S.C. Code Ann. § 1-23-380 (Supp. 2014) ("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 this

article and Article 1. This section does not limit utilization of or the scope of judicial review available under other means of review, redress, relief, or trial de novo provided by law. A preliminary, procedural, or intermediate agency action or ruling is immediately reviewable if review of the final agency decision would not provide an adequate remedy."); *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." (citing *Bone v. U.S. Food Serv.*, 404 S.C. 67, 73, 744 S.E.2d 552, 556 (2013))); *id.* (holding an order from the Appellate Panel of the Workers' Compensation Commission remanding the case to the single commissioner for further determination of benefits was not immediately appealable under section 1-23-380).

DISMISSED.¹

THOMAS, KONDUROS, and GEATHERS, JJ., concur.

¹ We decide this case without oral argument pursuant to Rule 215, SCACR.