

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority. Citation is disfavored, but may be permitted in accordance with the provisions of Rule 30(e)(3) of the North Carolina Rules of Appellate Procedure.

NO. COA01-379

NORTH CAROLINA COURT OF APPEALS

Filed: 5 February 2002

STEVE GARY HARDIN,
Plaintiff/Appellant,

v.

Industrial Commission
I.C. No. 553290

DON LOVE, INC.
Defendant/Appellee,
and

ST. PAUL FIRE & MARINE
INSURANCE COMPANY,
Carrier,
Defendant/Appellee

Appeal by plaintiff from opinion and award entered 31 October 2000 by the North Carolina Industrial Commission. Heard in the Court of Appeals 14 January 2002.

Coward, Hicks & Siler, P.A., by Orville D. Coward, for plaintiff-appellant.

Russell & King, P.A., by Sandra M. King, for defendant-appellees.

BRYANT, Judge.

Plaintiff purports to appeal from an opinion and award of the Industrial Commission denying plaintiff's claim for additional compensation. The notice of appeal to this Court is not included in the record on appeal before us. We are required by *Bailey v. State*, 353 N.C. 142, 156, 540 S.E.2d 313, 322 (2000), to dismiss an appeal when the record on appeal does not contain the notice of

appeal giving this Court jurisdiction. The appeal is therefore dismissed.

Dismissed.

Judges WYNN and THOMAS concur.

Report per Rule 30(e).