

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority.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. COA09-1330

NORTH CAROLINA COURT OF APPEALS

Filed: 7 September 2010

BILLY DRAUGHON,
Employee,
Plaintiff,

v.

North Carolina
Industrial Commission
I.C. No. 749775

CITY OF CLINTON,
Employer,

N.C. LEAGUE OF MUNICIPALITIES,
Carrier,
Defendants.

Appeal by defendant City of Clinton from Opinion and Award entered 9 June 2009 by the North Carolina Industrial Commission. Heard in the Court of Appeals 25 March 2010.

No brief filed for plaintiff-appellee.

Mewborn Law Office by Brett J. DeSelms, for defendant-appellant City of Clinton.

STROUD, Judge.

Defendant City of Clinton appeals an Industrial Commission opinion and award which remands the matter to the deputy commissioner "for the taking of additional medical evidence, including physician testimony, and rehearing if necessary on the issues of causation and disability." The opinion and award appealed from is interlocutory as it "does not dispose of the case, but leaves it for further action by the [deputy commissioner] in

order to settle and determine the entire controversy." *Veazey v. Durham*, 231 N.C. 357, 362, 57 S.E.2d 377, 381 (1950) (citation omitted). The City of Clinton contends that we should consider its interlocutory appeal because it affects a substantial right. See *Jeffreys v. Raleigh Oaks Joint Venture*, 115 N.C. App. 377, 379, 444 S.E.2d 252, 253 (1994) (allowing interlocutory appeals to be heard if a substantial right is jeopardized). The City of Clinton claims that its substantial right is monetary, in that it is required to pay plaintiff Billy Draughon's medical bills while the matter is pending. However, the fact that the City of Clinton is required to pay plaintiff's medical bills while the case is pending does not jeopardize a substantial right. See *Perry v. N.C. Dep't. of Corr.*, 176 N.C. App. 123, 130, 625 S.E.2d 790, 795 (2006) (determining that case law providing that no substantial right has been affected when the only right claimed is monetary should extend to worker's compensation cases). Accordingly, this appeal is dismissed.

DISMISSED.

Judges ELMORE and JACKSON concur.

Report per Rule 30(e).