

**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**

Daniel C. Windham, Employee/Claimant, Respondent,

v.

Sears Roebuck & Co., Employer/Self Insured, and
Sedgwick CMS, TPA, Carrier, Appellants.

Appellate Case No. 2010-160226

Appeal From Florence County
Thomas A. Russo, Circuit Court Judge

Unpublished Opinion No. 2012-UP-501
Heard June 5, 2012 – Filed September 5, 2012

APPEAL DISMISSED

Kirsten Leslie Barr, Trask & Howell, LLC, of Mount
Pleasant, and Allison C. Nussbaum, McAngus
Goudelock & Courie, LLC, of Mount Pleasant, for
Appellants.

Preston F. McDaniel, McDaniel Law Firm, of Columbia,
for Respondent.

PER CURIAM: Sears Roebuck & Co. and Sedgwick CMS appeal the circuit
court's order finding Daniel Windham suffered a compensable injury under the

Workers' Compensation Act and remanding to the workers' compensation commission for further proceedings. The circuit court's order is not immediately appealable. *See* S.C. Code Ann. § 1-23-390 (Supp. 2011) (providing "[a]n aggrieved party may obtain a review of a final judgment of the circuit court"); *Bone v. U.S. Food Serv. Co.*, Op. No. 27153 (S.C. Sup. Ct. filed Aug. 1, 2012) (Shearouse Adv. Sh. No. 26 at 113, 123) (finding circuit court order remanding case to the commission was not a final judgment under section 1-23-390 and thus was not immediately appealable); *Long v. Sealed Air Corp.*, 391 S.C. 483, 485, 706 S.E.2d 34, 35 (Ct. App. 2011) (finding circuit court's order remanding case to the commission was not immediately appealable because commission had to conduct further proceedings before a final judgment could be reached). Therefore, we dismiss the appeal and remand to the commission with instructions to promptly comply with the circuit court's order. Due to the age and lengthy procedural history of this case, the circuit court shall promptly hear any appeal from the commission's final order.

APPEAL DISMISSED.

FEW, C.J., and HUFF and SHORT, JJ., concur.