

IN THE SUPREME COURT OF NORTH CAROLINA

No. 387A99

FILED: 3 MARCH 2000

MICHAEL JENKINS,  
Employee  
v.

PUBLIC SERVICE COMPANY OF NORTH CAROLINA,  
Employer,  
SELF-INSURED CONSTITUTION STATE SERVICE COMPANY,  
Servicing Agent

Appeal pursuant to N.C.G.S. § 7A-30(2) from the decision of a divided panel of the Court of Appeals, \_\_\_ N.C. App. \_\_\_, 518 S.E.2d 6 (1999), reversing and remanding an opinion and award entered by the North Carolina Industrial Commission on 1 June 1998. On 4 November 1999, the Supreme Court granted discretionary review of additional issues. Heard in the Supreme Court 15 February 2000.

*Law Offices of Edward Jennings, by Griffis C. Shuler and Edward Jennings, for plaintiff-appellant and -appellee.*

*Hedrick, Eatman, Gardner & Kincheloe, L.L.P., by Mel J. Garofalo, Shelley W. Coleman, and Colleen M. Crowley, for defendant-appellants and -appellees.*

*Smith Helms Mulliss & Moore, L.L.P., by Jeri L. Whitfield, on behalf of the North Carolina Association of Self-Insurers, amicus curiae.*

*The Jernigan Law Firm, by N. Victor Farah, on behalf of the North Carolina Academy of Trial Lawyers, amicus curiae.*

PER CURIAM.

As to the issue on direct appeal, we reverse the decision of the Court of Appeals for the reasons stated in the dissenting opinion of Wynn, J. Further, we conclude the petition for discretionary review as to the additional issues was improvidently allowed.

REVERSED IN PART; DISCRETIONARY REVIEW IMPROVIDENTLY ALLOWED IN PART.