

AMY TERASAKA, Employee v. AT&T, Employer, SELF-INSURED (Gates McDonald, Servicing Agent)

No. 696A05

FILED: 6 OCTOBER 2006

Appeal pursuant to N.C.G.S. § 7A-30(2) from the decision of a divided panel of the Court of Appeals, 174 N.C. App. 735, 622 S.E.2d 145 (2005), reversing an opinion and award filed on 5 August 2004 by the North Carolina Industrial Commission. On 2 March 2006, the Supreme Court allowed defendant's petition for discretionary review as to additional issues. Heard in the Supreme Court 12 September 2006.

*Frederick R. Stann for plaintiff-appellant/appellee.*

*Brooks, Stevens & Pope, P.A., by Joy H. Brewer and Kimberley A. D'Arruda, for defendant-appellee/appellant.*

PER CURIAM.

As to the appeal of right based on the dissenting opinion, we affirm the majority decision of the Court of Appeals. We conclude that the petition for discretionary review as to additional issues was improvidently allowed.

AFFIRMED; DISCRETIONARY REVIEW IMPROVIDENTLY ALLOWED.