An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority.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

IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA18-1131

Filed: 3 December 2019

N.C. Industrial Commission, I.C. No. TA-25672

ROBERT HOWARD, Plaintiff,

v.

COLLEGE OF THE ALBEMARLE, Defendant.

Appeal by Plaintiff from orders filed 19 April 2018 and 11 May 2018 by Commissioner Tammy Nance of the North Carolina Industrial Commission. Heard in the Court of Appeals 18 November 2019.

Robert Howard, pro se.

Attorney General Joshua H. Stein, by Assistant Attorney General Marc X. Sneed, for the State.

DILLON, Judge.

Plaintiff Robert Howard appeals from two orders of the North Carolina Industrial Commission. After careful review, we conclude that these orders are interlocutory in nature and that Plaintiff has failed to demonstrate how they otherwise affect a substantial right. Accordingly, we dismiss the appeal.

I. Background

In this matter, Plaintiff has a claim with the Industrial Commission pursuant to the North Carolina Tort Claims Act, N.C. Gen. Stat. §§ 143-291, et seq., stemming from his employment with Defendant College of the Albemarle (the "College"). During the course of the litigation, Plaintiff also alleged a number of negligent and intentional tort claims against the College, its president, as well as against the State Board of Community Colleges (the "Board") and the North Carolina Community College System (the "System").

In February 2018, Deputy Commissioner Robert J. Harris dismissed all claims that were still pending *except for* Plaintiff's negligent hiring claims against the College. Plaintiff appealed the order to the Full Commission.

In an order filed 19 April 2018, the Full Commission denied Plaintiff's appeal on the ground that it was interlocutory. The next month, Plaintiff filed a motion with the Commission seeking clarification of the dismissal order. That motion was denied. Plaintiff filed notice of appeal from both orders.

II. Analysis

The threshold issue is whether this appeal is premature, and therefore, not properly before this Court. *See Nash v. Conrad Indus., Inc.*, 62 N.C. App. 612, 618, 303 S.E.2d 373, 377 (citation omitted) (Appeal lies only from final orders from the Industrial Commission; interlocutory appeals are generally improper), *aff'd*, 309 N.C. 629, 308 S.E.2d 334 (1983).

Here, as recognized by the Commission's order denying plaintiff's appeal, the February 2018 order entered by Deputy Commissioner Harris did not determine all of the issues and contemplated further proceedings. Thus, plaintiff's appeal is interlocutory.

We further conclude the Commission's orders are not immediately appealable because they do not affect a substantial right. Here, while Plaintiff argues the substantial rights concern delayed justice and judicial economy. We conclude that Plaintiff has failed to assert a substantial right, and we choose not to grant *certiorari* to consider Plaintiff's appeal. Accordingly, we dismiss Plaintiff's appeal.

DISMISSED.

Judges DIETZ and MURPHY concur.

Report per Rule 30(e).