

MICHAEL J. SHIMON, Employee, v. FLOUR CITY BRUSH CO. and STATE FUND MUT. INS. CO., Employer-Insurer/Appellants.

WORKERS' COMPENSATION COURT OF APPEALS  
JANUARY 15, 1999

No. [REDACTED SSN]

HEADNOTES

APPEAL - INTERLOCUTORY ORDER. The Workers' Compensation Court of Appeals lacks subject matter jurisdiction to determine an appeal from "Order Denying Petition for Judicial Reassignment." The appeal is premature in that the order does not affect the merits of the case.

Appeal dismissed.

Determined by Wheeler, C.J., Johnson, J., and Pederson, J.  
Compensation Judge: Charles R. Hall

OPINION

STEVEN D. WHEELER, Judge

On June 28, 1998, the employer and insurer appealed directly from an "Order Denying Petition for Judicial Reassignment." The jurisdiction of this court is statutory and limited. Pursuant to Minn. Stat. § 176.421, subd. 1, parties may appeal to the Workers' Compensation Court of Appeals from "an order or disallowance of compensation, *or other order affecting the merits of the case*" (emphasis added). An order denying a petition for reassignment is not an order affecting the merits of the case, nor is it an order preventing a later determination on the merits. Letourneau v. North Suburban Fence, Inc., slip op. (W.C.C.A. Sept. 3, 1992); cf. Mireau v. Alcon Indus., Inc., 386 N.W.2d 741, 742, 38 W.C.D. 652, 653 (Minn. 1986) (quoting Minn. Stat. § 176.421, subd. 1). The employer and insurer's appeal is therefore premature and this court lacks jurisdiction to consider the appeal. The employer and insurer's appeal is therefore dismissed.