

IN THE SUPREME COURT OF NORTH CAROLINA

No. 231PA08

FILED: 18 JUNE 2009

JORGE RODRIGUEZ-CARIAS, Employee

v.

NELSON'S AUTO SALVAGE & TOWING SERVICE, Employer

On discretionary review pursuant to N.C.G.S. § 7A-31 of a unanimous, unpublished decision of the Court of Appeals, 189 N.C. App. 404, 659 S.E.2d 97 (2008), affirming an opinion and award filed on 17 January 2007 by the North Carolina Industrial Commission. Heard in the Supreme Court 4 May 2009.

*Scudder & Hedrick, PLLC, by Alice Tejada, for plaintiff-appellee.*

*Bourlon & Davis, P.A., by Thomas E. Davis, for defendant-appellant.*

PER CURIAM.

Justice HUDSON took no part in the consideration or decision of this case. The remaining members of the Court are equally divided, with three members voting to affirm and three members voting to reverse the decision of the Court of Appeals. Accordingly, the decision of the Court of Appeals is left undisturbed and stands without precedential value. *See, e.g., Barham v. Hawk*, 360 N.C. 358, 625 S.E.2d 778 (2006).

AFFIRMED.