

Dismissed and Opinion filed September 30, 1999.



In The

Fourteenth Court of Appeals

NO. 14-99-00740-CV

MARILYN POOLE, Appellant

V.

USAA CASUALTY INSURANCE COMPANY, Appellee

**On Appeal from the 281st District Court
Harris County, Texas
Trial Court Cause No. 96-15632**

OPINION

This is an attempted appeal from an order, signed June 8, 1999. On September 16, 1999, appellee, USAA Casualty Insurance Company, filed a motion to dismiss the appeal for want of jurisdiction. Appellant did not respond to this motion.

Because the parties agreed to arbitrate matters in controversy arising from an automobile insurance policy, the parties entered into arbitration on March 12, 1996. On May 15, 1999, the arbitrator rendered her award. Appellant then filed an original petition to confirm the arbitration award. The trial judge entered its June 8, 1999, order denying confirmation of the award, vacating the award, and referring the parties

back to arbitration.

The statutory provision for appeals from judgments concerning arbitration awards is TEX. CIV. PRAC. & REM. CODE ANN. § 171.098 (Vernon Supp. 1999). Section 171.098 allows an appeal from a judgment denying confirmation of an award or vacating an award without directing a rehearing. *See id.* This statute does not provide for an appeal from a judgment vacating the award and ordering the parties back to arbitration. Accordingly, we hold that the June 8, 1999, order of the trial court is not an appealable order. We grant appellee's motion to dismiss.

The appeal is dismissed.

PER CURIAM

Judgment rendered and Opinion filed September 30, 1999.

Panel consists of Justices Yates, Hudson and Fowler.

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