

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F006818

GLENN BROWN,
EMPLOYEE

CLAIMANT

WEST MEMPHIS SCHOOL DISTRICT,
SELF-INSURED EMPLOYER

RESPONDENT

ORDER FILED DECEMBER 2, 2003

Upon review before the FULL COMMISSION in Little Rock,
Pulaski County, Arkansas.

Claimant appeared PRO SE.

Respondents represented by HONORABLE CAROL WORLEY, Attorney
at Law, Little Rock, Arkansas.

ORDER

The respondents move the Full Commission to dismiss the
claimant's appeal. After reviewing the motion and all
matters properly before the Full Commission, we find that
the respondents' motion should be granted.

In an order and opinion filed August 27, 2003, the
administrative law judge found that the claimant failed to
prove he sustained a compensable injury. The administrative
law judge enclosed a copy of the order and opinion to all of
the parties via certified mail on August 27, 2003. The
claimant's attorney wrote to the claimant on September 3,
2003:

Attached please find a copy of the Order and Opinion filed on August 27, 2003 regarding the above-referenced matter. You have a right to file an appeal but one must be filed within thirty days of today. Due to other commitments, I will not be able to file an appeal for you, but I will be glad to copy my file for your new counsel and discuss the matter with him/her.

On September 18, 2003, the claimant's attorney informed the Commission that she no longer represented the claimant in the case; counsel copied her correspondence to the claimant.

The claimant filed a notice of appeal on October 23, 2003. In their motion to dismiss the appeal, the respondents state that the claimant's appeal was filed past the deadline for filing a notice of appeal.

Ark. Code Ann. § 11-9-711(a)(1) provides that an order of an administrative law judge shall become final unless a party to the dispute, within thirty (30) days of receiving the order, petitions in writing for a review by the Full Commission. In the present matter, the administrative law judge's order became final on October 3, 2003, i.e., thirty (30) days after the claimant's attorney received the order. The claimant did not file a petition for review until October 23, 2003, after the thirty-day period had elapsed. The claimant states that he filed such a petition via

facsimile on September 18, 2003, but there is no record in the Commission's file of such a filing.

The Full Commission therefore grants the respondents' motion, and we hereby dismiss the claimant's appeal.

IT IS SO ORDERED.

OLAN W. REEVES, Chairman

KAREN H. MCKINNEY, Commissioner

Commissioner Turner dissents.