

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NOS. F310830 & F310831

ROBERT L. DISON, JR., EMPLOYEE	CLAIMANT
THERRAL STORY WELL SERVICE, INC., EMPLOYER	RESPONDENT
GRAY INSURANCE COMPANY, INSURANCE CARRIER	RESPONDENT

ORDER FILED OCTOBER 19, 2004

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

Claimant represented by HONORABLE F. MATTISON THOMAS, III, Attorney at Law, El Dorado, Arkansas.

Respondent represented by HONORABLE BRIAN A. RATCLIFF, Attorney at Law, El Dorado, Arkansas.

ORDER

This case comes on review before the Commission on the claimant's motion to extend the briefing schedule.

After our consideration of the claimant's motion, and all other matters properly before the Commission, we find that the claimant's motion should be denied.

The claimant's initial brief on appeal was due on September 10, 2004. On September 10, 2004, the claimant requested and was granted a filing extension until September 24, 2004. On September 27, 2004, claimant filed a belated brief which was returned as untimely. On October 1, 2004, claimant filed a request to file a belated brief stating that an unsuccessful attempt was made to file by facsimile on September 24, 2004.

Correspondence from the Commission establishing the original briefing schedule clearly states that: "[A]ny extension requests must be submitted in writing prior to the due date." (Original emphasis). The claimant's Motion was filed beyond the due date for the brief. Since the claimant's Motion was untimely filed, we find it must be denied. See, McGraw v. Arkansas Delivery Systems, Full Workers' Compensation Commission, Opinion Filed March 31, 1999 (WCC No. E315884); Strecker v. Holiday Island Suburban Improvement District, Full Workers' Compensation Commission Opinion Filed March 11, 1995 (WCC No. E704665); Zarnes v. Camden Wire, Full Workers' Compensation Commission, Opinion Filed February 24, 1999 (WCC No. E714141).

Accordingly, we find that the claimant's Motion should be, and hereby is, denied.

IT IS SO ORDERED.

OLAN W. REEVES, Chairman

KAREN H. MCKINNEY, Commissioner

Commissioner Turner dissents.