

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NOS. F306001; F306002; F310296

JOSEPHINE MASHBURN, EMPLOYEE	CLAIMANT
PAT SALMON & SONS, INC., EMPLOYER	RESPONDENT
PACIFIC EMPLOYERS INSURANCE, CO., CARRIER	RESPONDENT

ORDER FILED DECEMBER 7, 2004

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

Claimant presented pro se.

Respondent represented by HON. WILLIAM FRYE, Attorney at Law, Little Rock, Arkansas.

ORDER

This matter is presently before the Full Workers' Compensation Commission on claimant's motion to Add Additional Evidence. After review of claimant's motion, respondents' response thereto and all other matters properly before the Commission, we find that the claimant's motion must be denied.

In her motion filed November 5, 2004, claimant seeks to introduce new evidence on appeal. Claimant lists 16 items she claims are relevant to her case. However, the claimant has failed to illustrate how this evidence is relevant to her claim. In Haygood v. Belcher, 5 Ark. App. 127, 633 S.W.2d 391 (1982), the Arkansas Court of Appeals set forth the prerequisites for remand by the Full

Commission on proffer to present newly discovered evidence:

(1) The newly discovered evidence must be relevant; (2) it must not be cumulative; (3) it must change the result; and (4) the party seeking to introduce the evidence must be diligent.

After reviewing claimant's motion, we find that the claimant has failed to demonstrate that any of the evidence she now seeks to introduce satisfies the requirements set forth in Haygood v. Belcher. Therefore, we find that the claimant's motion must be denied.

IT IS SO ORDERED.

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OLAN W. REEVES, Chairman

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KAREN H. MCKINNEY, Commissioner

Commissioner Turner dissents.