

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F213028

JAMES PHILLIPS, EMPLOYEE	CLAIMANT
MATRIX SERVICE COMPANY, EMPLOYER	RESPONDENT
ZURICH AMERICAN INSURANCE CO, CARRIER	RESPONDENT

ORDER FILED FEBRUARY 26, 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 CAROL LOCKARD WORLEY, Attorney at Law, Little Rock, Arkansas.

ORDER

This case comes on review before the Commission on the claimant's Motion For Delayed Filing of Claimant's Reply Brief.

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

The claimant's reply brief on appeal was due on December 31, 2003. The claimant filed the Motion presently before us, and the respondents had no objection. The present Motion was not filed with the Commission until January 6, 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 four days 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

MIKE WILSON, Special Commissioner

Commissioner Turner dissents.