

**NOT DESIGNATED FOR PUBLICATION**

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. C270286

FREDDIE L. TAYLOR, EMPLOYEE	CLAIMANT
FEDERAL COMPRESS & WAREHOUSE COMPANY, A SELF-INSURED EMPLOYER	RESPONDENT

**OPINION FILED SEPTEMBER 13, 2005**

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

Claimant is not represented by counsel, but appears pro se.

Respondent represented by HONORABLE WALTER A. MURRAY,  
Attorney at Law, Little Rock, Arkansas.

Decision of Administrative Law Judge: Affirmed and Adopted.

**OPINION AND ORDER**

The claimant appeals from a decision of the  
Administrative Law Judge filed June 15, 2005.

The Administrative Law Judge entered the following  
findings of fact and conclusions of law:

1. The Arkansas Workers' Compensation Commission has jurisdiction over this claim.
2. The employment relationship existed between the parties on December 7, 1972.
3. The within claim for benefits was filed on or about August 4, 2003.

4. The claimant failed to appear at the hearing scheduled for June 13, 2005. The claimant was aware of the scheduled hearing. The claimant has failed and/or refused to appear and prosecute his claim as directed.

5. Even in the event claimant had appeared to prosecute his claim, respondent has shown, by a preponderance of the credible evidence, that the claim is barred by limitations of action.

6. Even if the claim was not barred by the Statute of Limitations, nevertheless, the claimant could not prove a causal connection between his alleged December 7, 1972, injury and his current condition and alleged disability.

7. Respondent has controverted this claim in its entirety.

We have carefully conducted a de novo review of the entire record herein and it is our opinion that the Administrative Law Judge's decision is supported by a preponderance of the credible evidence, correctly applies the law, and should be affirmed. Specifically, we find from a preponderance of the evidence that the findings of fact made by the Administrative Law Judge are correct and they are, therefore, adopted by the Full Commission.

In their brief to the Full Commission, we note that the respondents have moved to strike the claimant's brief from the record and to exclude the "exhibits" claimant has attached to his brief that were never made a part of the record. In reaching our decision to affirm and adopt the opinion of the Administrative Law Judge, we have only considered those matters which have been made a part of the record. Although the claimant may have received assistance from a disbarred Florida attorney, and this attorney may have held himself out to the respondents as a licensed attorney representing the claimant, we find that the workers' compensation statute does not require the claimant's representative to be a licensed attorney. Therefore, we find that the respondents' motion to strike the claimant's brief is hereby denied. We further find that the exhibits attached to the claimant's brief were not made a part of the record at the hearing before the Administrative Law Judge. Haygood v. Belcher, 5 Ark. App. 127, 633 S.W.2d 391 (1982) sets 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. In the present claim, we find that the claimant has failed to satisfy the necessary requirement for the introduction of new evidence on appeal. Therefore, we find that the respondents' motion to exclude the exhibits attached to the claimant's brief must be and hereby is granted.

Thus, we affirm and adopt the decision of the Administrative Law Judge, including all findings and conclusions therein, as the decision of the Full Commission on appeal.

IT IS SO ORDERED.

---

OLAN W. REEVES, Chairman

---

KAREN H. MCKINNEY, Commissioner

Commissioner Turner dissents.