

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F308367

BILL ADAMS, EMPLOYEE	CLAIMANT
INLAND PAPERBOARD & PACKAGING, INC., EMPLOYER	RESPONDENT No. 1
AIG CLAIM SERVICES, CARRIER	RESPONDENT No. 1
SECOND INJURY FUND	RESPONDENT No. 2

ORDER FILED APRIL 6, 2006

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

Claimant appears pro se.

Respondent No. 1 represented by HONORABLE E. DIANE GRAHAM, Attorney at Law, Fort Smith, Arkansas.

Respondent No. 2 represented by HONORABLE DAVID PAKE, Attorney at Law, Little Rock, Arkansas.

ORDER

This matter is currently before the Full Workers' Compensation Commission on the claimant's Motion to File a Notice of Appeal. After considering the claimant's motion, the respondents' responses thereto, and all other matters properly before the Commission, we find that the claimant's motion should be denied.

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The hearing for this claim was held before an Administrative Law Judge on October 27, 2005. The Administrative Law Judge's opinion was filed on January 5, 2006. The claimant received a copy of the Administrative Law Judge's opinion on January 9, 2006. On January 26, 2006, the claimant received a letter from the attorney who represented him at the hearing before the Administrative Law Judge declining to represent the claimant in an appeal. The time allowed by law for the claimant to file a notice of appeal expired on February 8, 2006. On February 16, 2006 the Commission received claimant's Motion to File a Notice of Appeal. Respondent No. 2 sent a letter on February 21, 2006 objecting to claimant's motion. Respondent No. 1's objection was sent to the Commission on February 23, 2006.

Ark. Code Ann. §11-9-711(a)(1) clearly states:

A compensation order or award of an administrative law judge or a single commissioner shall become final unless a party to the dispute shall, within thirty (30) days from the receipt by him or her of the order or award, petition in writing for a review by the full commission of the order or award.

A law has not been enacted by the General Assembly

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which would authorize the statutory time for appeal to be extended, unless the General Assembly provides for such a remedy or procedure, neither administrative law judges nor the Commission have the power to waive or otherwise extent the time for an appeal. Cooper Indus. Prods. v. Meadows, 5 Ark. App. 205, 634 S.W.2d 400(1982).

Therefore, after considering the claimant's motion, the respondents' responses thereto, and all other matters properly before the Commission, we deny the claimant's Motion to File a Notice of Appeal.

IT IS SO ORDERED.

OLAN W. REEVES, Chairman

KAREN H. McKINNEY, Commissioner

Commissioner Turner dissents.