

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NOS. F204900 and F306449

LATESHA DEAN MORGAN,
EMPLOYEE

CLAIMANT

DELUXE VIDEO SERVICES, INC.,
EMPLOYER

RESPONDENT

LIBERTY MUTUAL INSURANCE CO.,
INSURANCE CARRIER

RESPONDENT

ORDER FILED MARCH 14, 2006

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

Claimant represented by the HONORABLE CHRISTOPHER C. MERCER,
JR., Attorney at Law, Little Rock, Arkansas.

Respondents represented by the HONORABLE MICHAEL R. MAYTON,
Attorney at Law, Little Rock, Arkansas.

ORDER

The respondents in the above-styled matter move to
dismiss the claimant's appeal to the Full Commission. After
reviewing the respondents' motion, the claimant's reply, and
all matters properly before us, the Full Commission denies
the respondents' motion.

An administrative law judge filed an opinion on
December 21, 2005. The administrative law judge found,
among other things, that "Compensable carpal tunnel syndrome
has not been established by medical evidence, supported by

objective findings, as required by the Act." On January 19, 2006, the Commission received a Motion For Reconsideration To Submit Objective Evidence, If Same Tolls Time To Give Notice Of Appeal, Or In The Alternative Notice Of Appeal. The respondents have filed a motion to dismiss the claimant's appeal. The respondents cite Arkansas Workers' Compensation Rule 099.25, which provides that parties appealing to the Full Commission shall specify in the notice of appeal all issues to be presented. The respondents assert that the claimant has disregarded Rule 099.25.

The Workers' Compensation Commission is not bound by technical or formal rules of procedure. Ark. Code Ann. §11-9-705(a)(1). The Commission is directed to "conduct the hearing in a manner as will best ascertain the rights of the parties." *Bryant v. Staffmark, Inc.*, 76 Ark. App. 64, 61 S.W.3d 856 (2001).

In the present matter, it is patently obvious that the issue the claimant is asking the Full Commission to adjudicate is whether or not the claimant sustained a compensable injury pursuant to the provisions of Act 796 of 1993. The Full Commission therefore denies the respondents'

motion to dismiss the claimant's appeal. We direct the Clerk of the Commission to establish a final briefing schedule, so that the Full Commission can adjudicate all relevant issues before us, including whether or not the administrative law judge properly excluded "newly discovered evidence" in his January 20, 2006 opinion.

IT IS SO ORDERED.

OLAN W. REEVES, Chairman

SHELBY W. TURNER, Commissioner

Commissioner McKinney dissents.