

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F108515

WADE W. FINLEY, JR. (DECEASED), EMPLOYEE	CLAIMANT
FARM CAT, INC., EMPLOYER	RESPONDENT
CUNNINGHAM LINDSEY, TPA	RESPONDENT

**ORDER FILED MARCH 14, 2007**

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

Claimant represented by HONORABLE KENNETH E. BUCKNER, Attorney at Law, Pine Bluff, Arkansas.

Respondent represented by HONORABLE LEE MULDROW, Attorney at Law, Little Rock, Arkansas.

ORDER

Presently before the Commission is Respondent No. 1's Motion to Dismiss Claimant's Cross-Appeal. Claimant did not file a response to the motion. After consideration of Respondent No. 1's Motion, and all other matters properly before the Commission, we find that Respondent No. 1's Motion must be, and hereby is, granted.

The Administrative Law Judge issued an opinion on December 27, 2006. Respondent No. 1 filed a Notice of Appeal with the Commission on January 23, 2007. On February 13, 2007, Claimant filed a Notice of Cross-Appeal via facsimile.

A.C.A. § 11-9-711(a) provides:

(A) AWARD OR ORDER OF ADMINISTRATIVE LAW  
JUDGE OR SINGLE COMMISSION - REVIEW. -

(1) 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.

(2) Any other party to the dispute may cross appeal by filing a written petition for cross appeal within fifteen (15) days after the notice of appeal is filed in the office of the Workers' Compensation Commission, except that in no event shall a cross appellant have less than thirty (30) days from the receipt of him or her of the order or award within which to file a notice of cross appeal.

As noted above, Respondent No. 1 filed a Notice of Appeal with the Workers' Compensation Commission on January 23, 2007. More than fifteen days passed prior to claimant filing a Notice of Cross-Appeal with the commission. The procedural requirements set forth in the statute for filing a Notice of Appeal or Notice of Cross-Appeal is mandatory or jurisdictional and require strict compliance. Lloyd v. Potlatch Corp., 19 Ark. App. 335, 721 S.W.2d 670 (1986); Cooper Industrial Products v. Meadows, 5 Ark. App. 205, 634 S.W.2d 400 (1982). Since the claimant's Notice of Cross-Appeal was not filed within fifteen days

after the filing of Respondent No. 1's Notice of Appeal it was untimely filed. Accordingly, the claimant's cross-appeal is hereby dismissed.

IT IS SO ORDERED.

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OLAN W. REEVES, Chairman

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KAREN H. MCKINNEY, Commissioner

Commissioner Hood dissents.