

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F204365

ROSIE GAY (BREWER),  
EMPLOYEE

CLAIMANT

ARKANSAS CHILDREN'S HOSPITAL,  
EMPLOYER

RESPONDENT

RISK MANAGEMENT RESOURCES,  
THIRD PARTY ADMINISTRATOR

RESPONDENT

ORDER FILED MAY 23, 2007

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

Claimant represented by RONNIE RAY LONG, JR, Little Rock, Arkansas.

Respondents represented by the HONORABLE BETTY J. HARDY, Attorney at Law, Little Rock, Arkansas.

ORDER

Presently before the Commission is Respondent's Motion to Dismiss Claimant's notice of appeal as untimely. After consideration of Respondent's Motion, Claimant's response thereto, and all other matters properly before the Commission, we find Respondent's motion must be and hereby is, granted.

The Administrative Law Judge issued an opinion in this case on November 2, 2006. The Claimant's Notice of Appeal was filed on March 30, 2007.

Pursuant to Ark. Code Ann. §11-9-711(a), an Administrative Law Judge's order becomes 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."

In this instance there is a copy of a return receipt from the November 2, 2006 opinion. The receipt is stamped November 7, 2006 and signed by Gladys Lem, of Attorney James Stanley's office. Mr. Stanley was attorney of record for the claimant in this case. As such we find that the claimant's appeal was untimely and must be dismissed.

The procedural requirements set forth in the statute for filing a Notice of 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 Appeal was not filed within thirty (30) days of the opinion nor within thirty (30) days of receipt by her attorney of record, it was untimely filed. Accordingly, the claimant's appeal is hereby dismissed.

IT IS SO ORDERED.

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OLAN W. REEVES, Chairman

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KAREN H. MCKINNEY, Commissioner

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PHILIP A. HOOD, Commissioner