

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F303334

VINCENT HENDERSON, EMPLOYEE	CLAIMANT
COOPER TIRE & RUBBER CO. A SELF-INSURED EMPLOYER	RESPONDENT

ORDER FILED OCTOBER 31, 2007

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

Claimant is not represented but appears pro se.

Respondents represented by the HONORABLE WILLIAM G BULLOCK,  
Attorney at Law, Texarkana, Texas.

ORDER

\_\_\_\_\_This case comes before the Commission on the  
claimant's Motion to File a Belated Brief. After our  
consideration of the claimant's motion and all other matters  
properly before the Commission, we find that the claimant's  
motion should be denied. \_\_\_\_\_

On June 29, 2007 the Commission sent the parties  
correspondence establishing the briefing schedule. The  
letter explicitly indicates, "Briefs must be received by  
4:30 p.m. on the due date." It further indicates that all  
extensions must be requested prior to the due date.

The claimant filed a timely brief after filing the notice of appeal. However, on August 10, 2007, the claimant asked for an extension of one week in filing his reply brief. On August 14, 2007, the Commission issued a letter granting the claimant's request and indicating his brief would be due on August 17, 2007. The claimant has subsequently filed two proposed reply briefs. The first was received on August 21, 2007, and was returned to the claimant. The second, which is presently presented before the Commission with a Motion to File a Belated Brief, was received on September 21, 2007.

Correspondence from the Commission establishing the original briefing schedule clearly states that: "[A]ny extension requests must be submitted in writing prior to the due date." (Original emphasis). The claimant's Motion was filed beyond the due date for the brief. Since the claimant's Motion was untimely filed, we find it must be denied. See, McGraw v. Arkansas Delivery Systems, Full Workers' Compensation Commission, Opinion Filed March 31, 1999 (WCC No. E315884); Strecker v. Holiday Island Suburban Improvement District, Full Workers' Compensation Commission Opinion Filed March 11, 1995 (WCC No. E704665); Zarnes v.

Camden Wire, Full Workers' Compensation Commission, Opinion  
Filed February 24, 1999 (WCC No. E714141).

Therefore, after considering the claimant's motion  
and all other matters properly before the Commission, we  
deny the claimant's Motion to File a Belated Brief.

\_\_\_\_\_IT IS SO ORDERED.

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OLAN W. REEVES, Chairman

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KAREN H. MCKINNEY, Commissioner

Commissioner Hood dissents.