

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F512674

TERRY SHACKLEFORD, EMPLOYEE

CLAIMANT

MERELYN HADDOCK  
UNINSURED EMPLOYER

RESPONDENT

ORDER FILED APRIL 24, 2007

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

Claimant represented by HONORABLE FREDERICK "RICK" SPENCER, Attorney at Law, Mountain Home, Arkansas.

Respondent No. 1 represented by HONORABLE MICHELLE HARKEY, Attorney at Law, Mountain View, Arkansas.

ORDER

This matter comes on review before the Full Commission on the claimant's Motion to Strike Respondents' Brief. After our consideration of claimant's motion and respondents' response to the motion and all other matters properly before the Commission, we find that the motion should be granted.

On January 2, 2007, an Administrative Law Judge issued a decision finding the claimant sustained a compensable injury. On March 13, 2007, respondents filed a brief with the Commission. The claimant subsequently filed

the present motion and asserted that the respondents failed to file a valid appeal within 30 days of the issuance of the decision by the Administrative Law Judge. The respondents filed a response asserting the Motion to Strike was not relevant to the merits of an appeal. On April 18, 2007, Beverly Keathley, Paralegal/Legal Assistant with the Commission, indicated there was no record of an appeal to the Commission.

We find there is no valid appeal which was filed within 30 days of the decision of the Administrative Law Judge. Furthermore, when reviewing the respondents' response it is evident that they do not deny they failed to file a valid appeal within 30 days of the decision of the Administrative Law Judge. As such, the respondents' brief is not properly before the Commission.

Therefore, after reviewing the motion and all other matters properly before the Commission, we find the claimant's Motion is granted.

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