

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F509851

VICKI LYNN WILSON, EMPLOYEE CLAIMANT

LITTLE ROCK HEALTH & REHABILITATION,
EMPLOYER RESPONDENT

CANNON COCHRAN MANAGEMENT SERVICES,
BENEFITS ADMINISTRATOR RESPONDENT

OPINION FILED JULY 19, 2007

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

Claimant is not represented but appears pro se.

Respondent represented by HONORABLE MICHAEL E. RYBURN,
Attorney at Law, Little Rock, Arkansas.

OPINION AND ORDER

This matter comes on for review before the
Commission on the claimant's appeal of the January 22,
2007 opinion.

In its brief to the Full Commission, the
respondent requests that the claimant's appeal be
dismissed as untimely filed.

A hearing was held on October 24, 2006. At
that hearing, the claimant was represented by Mr. James
W. Stanley, Jr. On December 7, 2006, Mr. Stanley filed
a post-hearing motion to submit additional evidence. A

telephone conference regarding the motion was held on December 18, 2006, at which time the claimant was again represented by Mr. Stanley. An Administrative Law Judge filed an opinion on January 22, 2007. Copies of that decision were sent by certified mail to the claimant and Mr. Stanley. A representative from Mr. Stanley's office signed for that decision on January 23, 2007. The claimant filed a pro se notice of appeal on April 19, 2007. In her brief, the claimant indicated she had terminated her contract with Mr. Stanley as of April 9, 2007, however, the file reveals the Commission has not issued an order indicating that Mr. Stanley no longer represents the claimant.

Pursuant to Ark. Code Ann. § 11-9-711(a)(1) (Repl. 1996), the opinion of the Administrative Law Judge became final unless claimant filed an appeal within 30 days from the receipt of the opinion. The procedural requirements set forth in the statute are mandatory or jurisdictional and require strict compliance. Cooper Industrial Products v. Meadows, 5 Ark. App. 205, 634 S.W.2d 400 (1982); Lloyd v. Potlatch Corporation, 19 Ark. App. 335, 721 S.W.2d 670 (1986). Therefore, the opinion of the Administrative Law Judge

becomes final and the Full Commission cannot review it if the petition for review is not received within 30 days, as set forth in the statute. Moreover, the rule of unavoidable casualty does not apply to the failure to file a notice of appeal in a timely manner. Williams v. Luft Construction Co., 31 Ark. App. 198, 790 S.W.2d 921 (1990).

The record shows that the claimant's attorney received the decision of the Administrative Law Judge on January 23, 2007. While there is no record the claimant received the decision, she is bound by the actions of Mr. Stanley, who was acting as her agent. Since the claimant's notice of appeal was not filed within thirty days of receipt, it was untimely filed. Accordingly, the claimant's appeal must be, and hereby, is dismissed.

IT IS SO ORDERED.

OLAN W. REEVES, Chairman

KAREN H. MCKINNEY, Commissioner

Commissioner Hood dissents.