

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F413014

ROSIE LATIMORE,
EMPLOYEE

CLAIMANT

WAL MART ASSOCIATES, INC.,
EMPLOYER

RESPONDENT

CLAIMS MANAGEMENT, INC.,
INSURANCE CARRIER/TPA

RESPONDENT

OPINION FILED DECEMBER 8, 2008

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

Claimant appears Pro Se.

Respondent represented by the HONORABLE SUSAN M. FOWLER,
Attorney at Law, Little Rock, Arkansas.

ORDER

This case comes before the Full Commission on Respondent's Motion to Dismiss Claimant's Untimely Notice of Appeal. The Full Commission issued an opinion on July 21, 2008 finding that the Administrative Law Judge was correct in finding claimant's claim was barred by the statute of limitations. Claimant signed a receipt upon receiving that opinion on July 22, 2008. Thus, her notice of appeal to the Court of Appeals should have been filed with the Arkansas Workers' Compensation Commission clerk's office by August

21, 2008. Her notice of appeal was actually received on November 4, 2008.

In response to this motion, claimant has attached copies of money orders she allegedly purchased to pay the filing fee. There is nothing that shows this money order was received, nor that shows her notice of appeal was received by the Clerk of the Commission in August, 2008. Since the notice of appeal was not filed timely pursuant to Ark. Code Ann. §11-9-711(b)(1)(A), claimant's notice of appeal filed on November 4, 2008 was untimely. As the record prepared for the appeal to the Court of Appeals has not been filed, this Commission has jurisdiction to rule on this motion.

After considering respondent's motion, claimant's response and all other matters properly before the Commission, we must grant the Motion to Dismiss Claimant's Untimely Notice of Appeal.

IT IS SO ORDERED.

OLAN W. REEVES, Chairman

KAREN H. MCKINNEY, Commissioner

PHILIP A. HOOD, Commissioner