

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F313430

DENNIS PARKER,  
EMPLOYEE

CLAIMANT

PETIT JEAN POULTRY, INC.,  
EMPLOYER

RESPONDENT

LIBERTY MUTUAL INSURANCE COMPANY,  
INSURANCE CARRIER

RESPONDENT

OPINION FILED APRIL 3, 2008

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

Claimant appears Pro Se.

Respondent represented by the HONORABLE GUY ALTON WADE,  
Attorney at Law, Little Rock, Arkansas.

ORDER

The Arkansas Court of Appeals has remanded this case to  
the Commission to settle the record within thirty (30) days.  
*Dennis Parker v. Petit Jean Poultry, Inc.*, CA07-01225 (March  
19, 2008).

A pre-hearing order was filed on April 5, 2006. The  
claimant contended, among other things, that he sustained a  
compensable injury. The respondents contended that the  
claimant did not sustain a compensable injury. A hearing  
was scheduled to be held on May 2, 2006. The claimant's

then-counsel did not appear at the scheduled hearing. Another hearing was scheduled to be held on October 4, 2006, and a hearing was held on October 12, 2006.

An administrative law judge (ALJ) filed an opinion on January 9, 2007. The ALJ found, among other things, that the claimant did not prove he sustained a compensable injury. The claimant appealed to the Full Commission. The respondents filed a motion to strike attachments to the claimant's brief on appeal. The Full Commission filed an Order on March 27, 2007:

In the present matter, both the claimant and the respondents introduced evidence at the hearing. The claimant should have made certain his newly-discovered attachments were introduced at the hearing. The claimant did not do so. We find that the claimant has not proved the elements necessary to allow the introduction of additional evidence in this claim. Further, the claimant was not diligent in presenting this evidence to the Commission. All of the attachments the claimant now seeks to introduce were dated well before the hearing before the administrative law judge. Accordingly, respondents' motion to strike the attachments to the claimant's brief filed on March 7, 2007 is hereby granted. Claimant's request to submit these attachments as evidence on appeal is hereby denied.

The stricken attachments consisted of an Affidavit prepared by the claimant; an Employee's Treatment Record; a WCC Form N; a Gripper Test; Progress Notes; a Certification

of Health Care Provider; and documents from Forest Park Medical Clinic, Schuck Chiropractic, and Forest Park Medical and Chiropractic Center, P.A.

In an opinion filed August 29, 2007, the Full Commission affirmed and adopted the administrative law judge's January 9, 2007 decision. The claimant appealed to the Arkansas Court of Appeals. Dorothy Jackson, the Clerk of the Commission, subsequently informed the parties that the record was certified and would be hand-delivered to the Clerk of the Court of Appeals. Ms. Jackson's accompanying Index included "Transcript of hearing held October 12, 2006."

On March 4, 2008, the claimant filed with the Court of Appeals a Motion To Supplement The Record And To Stay Appellant's Briefing Time. As we interpret his Motion, the claimant appears to state that the April 5, 2006 pre-hearing order was not submitted into evidence at the hearing which began May 2, 2006. The claimant asks for "5. Supplementing the record of trial court proceeding to include appellant's petitions. 6. The Appellant prays that the briefing time for appellant be stayed pending the determination of this motion. If the motion is granted, Appellant prays that the

stay be extended through the filing of the permitted supplemental materials." The accompanying Supplements received by the Commission are a Supplemental Statement of the Case from the Department of Veterans Affairs Appeals Management Center, and the WCC Form N which was stricken from the claimant's brief pursuant to the respondents' motion.

The Court of Appeals delivered a Formal Order on March 19, 2008:

Appellant's pro se motion to supplement the record and to stay brief time is remanded to the Commission to settle the record within thirty days.

Appellant's motion for extension of time is granted. Corrected brief due fifteen days after settlement of record.

The purpose in settling the record, under Ark. R. App. P. 6(e), is to ensure that the record "truly discloses what occurred in the trial court." *Tackett v. First Sav. Of Ark.*, 306 Ark. 15, 810 S.W.2d 927 (1991).

The Commission's file in the present matter contains a "Docket Content Info" prepared by the Court of Appeals. The Court rejected the claimant's pro se brief because the brief was not properly prepared. There were apparently serious deficiencies in the brief related to the abstract,

pleadings, and argument. The Full Commission expressly states that the attachments previously stricken pursuant to the respondents' motion shall not be part of the settled record. Nor will the Department of Veterans Affairs statement lately submitted by the claimant be included in the record.

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