

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F903935

CELIA MATAMOROS-DIAZ, EMPLOYEE	CLAIMANT
CONAGRA FOODS, EMPLOYER	RESPONDENT
SEDGWICK CLAIMS MANAGEMENT SERVICES, CARRIER/TPA	RESPONDENT

ORDER FILED OCTOBER 11, 2010

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

Claimant represented by the HONORABLE LAURA MCKINNON,
Attorney at Law, Fayetteville, Arkansas.

Respondents represented by the HONORABLE BILL H. WALMSLEY,
Attorney at Law, Batesville, Arkansas.

ORDER

This matter comes before the Full Commission on Respondent's Motion to file belated brief. After consideration of respondent's motion, claimant's response thereto advising that she does not have any objections, and all other matters properly before the Commission, we find that respondent's motion should be granted.

Respondent appealed from the decision of the Administrative Law Judge. After respondent filed its brief on appeal, claimant requested and was granted a three week extension to file her response brief. Claimant's response brief now being due on September 10, 2010. Although

claimant filed her brief with the Commission on its due date via facsimile, respondent was not aware of this filing as it did not receive a copy of claimant's brief until it arrived via the United States Mail on September 16, 2010. Without notice or receipt of a response brief from claimant, there was no reason for respondents to prepare or file a reply brief. However, having received a brief from claimant, respondent swiftly responded by preparing a reply brief and mailing same on September 17, 2010. The reply brief was not received by the Commission until September 21, 2010.

Given the unfortunate facts in this claim, we find that good cause exists and that respondent's motion to file a belated brief should be, and hereby is, granted.

IT IS SO ORDERED.

A. WATSON BELL, Chairman

KAREN H. MCKINNEY, Commissioner

PHILIP A. HOOD, Commissioner