

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F200289

GLORIA TAYLOR,  
EMPLOYEE

CLAIMANT

CV'S FAMILY FOODS,  
EMPLOYER

RESPONDENT NO. 1

BENCHMARK INSURANCE COMPANY,  
INSURANCE CARRIER

RESPONDENT NO. 1

SECOND INJURY FUND

RESPONDENT NO. 2

ORDER FILED FEBRUARY 12, 2010

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

Claimant represented by the HONORABLE EDDIE H. WALKER, JR.,  
Attorney at Law, Fort Smith, Arkansas.

Respondents No. 1 represented by the HONORABLE WALTER A.  
MURRAY, Attorney at Law, Little Rock, Arkansas.

Respondent No. 2 represented by the HONORABLE DAVID SIMMONS,  
Attorney at Law, Little Rock, Arkansas.

ORDER

Comes on for consideration before the Full Commission,  
the Claimant's Motion to Withdraw Respondent's Brief or in  
the Alternative Motion to Establish a New Briefing Schedule.  
(See claimant's letter to the Clerk of the Commission dated  
January 19, 2010). From the motion, Respondent No. 1's

response thereto by letter, January 27, 2010, and other matters of law and fact known or made known to the Full Commission, the Full Commission finds as follows:

1. A briefing schedule was issued by the Clerk of the Commission on December 2, 2009. Claimant's brief was due December 23, 2009. Respondent no. 1's brief was due January 8, 2010.
2. Claimant failed to file her brief on or before December 23, 2009. On January 7, 2010 respondent no. 1 requested a 7(seven) day extension. The request was made prior to respondent no. 1's brief due date which was January 8, 2010. However, respondent no. 1's letter request did not contain the agreement of claimant nor was a copy of the letter provided to the claimant. Therefore, respondent no. 1 request for extension was never granted.
3. While respondent no. 1 did file their brief on January 14, 2010, said brief was not timely having been due on January 8, 2010 with no extension granted.

4. Because the claimant failed to file a timely brief on or before December 21, 2009 and because respondent no. 1 failed to file a timely brief on or before January 8, 2010 the Claimant's motion to withdraw respondent no. 1's brief or in the alternative motion to establish a new briefing schedule shall be granted in part and denied in part. Neither claimant nor respondent no. 1 filed timely briefs, therefore this matter shall be submitted to the Full Commission on the record for purposes of its de novo review.

IT IS SO ORDERED.

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A. WATSON BELL, Chairman

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KAREN H. MCKINNEY, Commissioner

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PHILIP A. HOOD, Commissioner