

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. H202720

WILLIAM L. MIDDLETON, CLAIMANT
EMPLOYEE

L & L METAL FABRICATION, INC., RESPONDENT
EMPLOYER

AMERISURE INSURANCE COMPANY, RESPONDENT
INSURANCE CARRIER/TPA

OPINION FILED MAY 31, 2024

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

Claimant represented by the HONORABLE MATTHEW J. KETCHAM,
Attorney at Law, Fort Smith, Arkansas.

Respondents represented by the HONORABLE KAREN H. MCKINNEY,
Attorney at Law, Little Rock, Arkansas.

ORDER

The respondents in the above-styled matter move the Full Commission to strike the claimant's brief. The Full Commission grants the respondents' motion.

An administrative law judge filed an opinion on November 30, 2023. The administrative law judge found that the claimant was "barred from pursuing this matter because he elected a remedy in civil court and resolved that matter via settlement." The administrative law judge denied and dismissed the claim, and the claimant filed a timely notice of appeal to the Full Commission.

The Clerk of the Commission thereafter establishing a briefing schedule for the parties. The claimant subsequently requested a 30-day extension to which the respondents did not object. A Legal Services Specialist informed the parties, "Claimant's brief will now be due 2/12/24. Respondents' brief will be due 2/26/24. Claimant's reply brief will be due 3/4/24."

The claimant's brief was therefore due on Monday, February 12, 2024. The claimant did not file a brief until Wednesday, February 14, 2024. The respondents correctly state that the Clerk of the Commission's briefing schedule was "clear and unambiguous" and that the Full Commission should consequently strike the claimant's brief.

Because the claimant's brief was not timely filed, the Full Commission grants the respondents' motion to strike. The Full Commission accepts the respondents' brief, which was timely filed on February 26, 2024.

The Full Commission directs the Clerk of the Commission to place this matter on our submission docket, so that we may adjudicate a statutory *de novo* review. The claimant's brief filed February 14, 2024 is stricken and shall not be considered.

IT IS SO ORDERED.

SCOTTY DALE DOUTHIT, Chairman

M. SCOTT WILLHITE, Commissioner

MICHAEL R. MAYTON, Commissioner