

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. UE-2021-08-028-EB

IN THE MATTER OF:  
JILL WILES, INDIVIDUALLY and  
d/b/a OZARK ADULT PERSONAL CARE, LLC  
1234 EAST MAIN  
MELBOURNE, AR 72560

OPINION FILED JULY 26, 2023

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

Claimant represented by the HONORABLE JAMES M. SCURLOCK, ANDREW J. RUSSELL & JAY MARTIN, Attorneys at Law, Little Rock, Arkansas.

Respondents represented by the HONORABLE DAVID L. PAKE, Attorney at Law, Little Rock, Arkansas.

ORDER

An administrative law judge filed an opinion and order on February 16, 2023. The administrative law judge ordered Jill Wiles (hereinafter "respondent"), d/b/a Ozark Personal Care, LLC to pay the sum of \$10,000 endorsed to the Death & Permanent Total Disability Trust Fund.

The respondent filed a timely notice of appeal to the Full Commission, and the Clerk of the Commission established an initial briefing schedule. After the Commission's Operations & Compliance Division filed a notice of cross-appeal, the Clerk of the Commission adjusted the briefing schedule in order to allow the cross-appellant to file a reply brief. The Clerk apparently thereafter granted a request by the respondent to extend the briefing schedule, and the cross-appellant subsequently filed a Motion To

File Belated Brief. However, the Motion To File Belated Brief was not filed until May 9, 2023, well beyond the due date of April 25, 2023 set forth in the briefing schedule established on April 11, 2023. Because the Motion To File Belated Brief was not timely filed, we find the same must be denied.

*See Garth v. Wal-Mart Associates, Inc.*, Workers' Compensation Commission F803409 (Dec. 17, 2009); *Franklin v. Cross County Judge*, Workers' Compensation Commission F810601 (July 31, 2009).

The Full Commission therefore denies the cross-appellant's motion to file a belated brief. We take under advisement both the cross-appellant's motion to strike the respondent's reply brief and the appellant's motion for sanctions. The Full Commission directs the Clerk of the Commission to place this matter on our submission docket, so that we can perform a statutory *de novo* review of the entire record. The sole briefs before the Full Commission on appeal will be those filed by the appellant on May 2, 2023 and May 23, 2023. The Full Commission reiterates that we take under advisement the cross-appellant's motion to strike the respondent's reply brief. The Full Commission also advises the parties that, in carrying out our *de novo* review in accordance with applicable Arkansas law, we will consider only the evidence and testimony presented at the hearing held before an administrative law judge on July 29, 2022.

IT IS SO ORDERED.

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SCOTTY DALE DOUTHIT, Chairman

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M. SCOTT WILLHITE, Commissioner

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MICHAEL R. MAYTON, Commissioner