

ARKANSAS COURT OF APPEALS

DIVISION IV

No. CA10-639

CAL JONES

APPELLANT

V.

SMITH-BLAIR, INC., and PACIFIC
EMPLOYERS INSURANCE CO.

APPELLEES

Opinion Delivered FEBRUARY 23, 2011

APPEAL FROM THE ARKANSAS
WORKERS' COMPENSATION
COMMISSION
[NO. E901291]

REBRIEFING ORDERED

RAYMOND R. ABRAMSON, Judge

Cal Jones appeals a decision by the Workers' Compensation Commission finding that his claim for a permanent anatomical rating to the body as a whole was barred by *res judicata* and that he had failed to prove that he was suffering from reflex sympathetic dystrophy (RSD). We cannot reach the merits of his appeal at this time because his abstract, brief, and addendum are woefully deficient.

First, the table of contents does not identify each document in the addendum, list the addendum page number where the document begins, or list the corresponding record page number as required by Ark. Sup. Ct. R. 4-2(a)(1) (2010). In fact, the majority of documents in the addendum are not contained in the record at all. Most of the documents relate to Mr. Jones's union grievances, his EEOC claims, and his state and federal lawsuits against Smith-Blair, while others are copies of documents created even after the date the record in this case was lodged. Our rules clearly state that the addendum shall not contain any documents or material that are

not in the record. Ark. Sup. Ct. R. 4-2(a)(8) (2010).

Second, although Dr. Peeples testified at the May 15, 2008 hearing, his testimony has not been abstracted as required by Ark. Sup. Ct. R. 4-2(a)(5) (2010). Third, the substantive portions of his brief contain duplicate pages and are organized in such a fashion that his argument is virtually impossible to understand. Fourth, the statement of the case does not include supporting page references to the abstract or addendum as required by Ark. Sup. Ct. R. 4-2(a)(6) (2010).

Finally, despite having supplied us with an abundance of irrelevant documents, Mr. Jones failed to provide us with any evidence regarding the July 15, 2004 hearing or the August 12, 2004 order in which the ALJ found Mr. Jones's injury to be a scheduled injury. As Mr. Jones has argued that he is not barred by *res judicata* from arguing that his rating should be as a percentage to the body as a whole rather than a scheduled injury, this is crucial information. Nor has he provided us with the report by Dr. Rosenzweig that the Commission utilized in its decision denying Mr. Jones's RSD claims.

Jones first attempted to file his brief on July 30, 2010, but his brief was rejected by the clerk for noncompliance. The clerk's office sent Jones a letter explaining his deficiencies and provided him with a copy of the rules, as well as a copy of a compliant brief for reference. He was given seven days to resubmit a compliant brief. Jones thereafter filed a motion requesting an extension of time in which to file his brief. We granted him a ninety-day extension. The brief before us is still not in compliance with our rules.

Thus, we hereby order Jones to file a substituted brief that complies with our rules. Ark. Sup. Ct. R. 4-2(b)(3) (2010) (allowing parties who file a deficient brief an opportunity to file a

conforming brief). The substituted brief, abstract, and addendum shall be due fifteen days from the date of this order. After service of the substituted abstract, brief, and addendum, the appellees shall have an opportunity to revise or supplement their brief in the time prescribed by the court.

We encourage Jones to review the rules to assure that the substituted brief complies with the rules and that there are no other deficiencies present that are not noted above. Appellants, even those who proceed *pro se*, are responsible for following the rules of appellate procedure, and *pro se* litigants are held to the same standards as attorneys. *Perry v. State*, 287 Ark. 384, 699 S.W.2d 739 (1985); *Walker v. State*, 283 Ark. 339, 676 S.W.2d 460 (1984).

If Jones fails to file a compliant brief within fifteen days, the decision of the Commission will be summarily affirmed for noncompliance with our rules.

Rebriefing ordered.

GLOVER and HOOFFMAN, JJ., agree.