

ARKANSAS COURT OF APPEALS

DIVISION II
No. CA11-859

TOMMY R. KIMBLE

APPELLANT

V.

HINO MOTORS MFG. USA, INC.,
TOKIO MARINE MGMT., and DEATH
& PERMANENT TOTAL DISABILITY
FUND

APPELLEES

Opinion Delivered May 30, 2012

APPEAL FROM THE ARKANSAS
WORKERS' COMPENSATION
COMMISSION
[NO. F801104]

REMANDED FOR SUPPLEMENTAL
ADDENDUM

WAYMOND M. BROWN, Judge

Appellant Tommy Kimble appeals the Arkansas Workers' Compensation Commission's decision, finding that he failed to prove by a preponderance of the evidence that he suffered a compensable heart attack while working for appellee Hino Motors. Kimble argues on appeal that the Commission's decision is not supported by the evidence. We are unable to reach the merits of Kimble's arguments at this time due to deficiencies in his addendum.¹

Arkansas Supreme Court Rule 4-2(a)(8)² requires that the order or opinion challenged on appeal be included in the addendum. The rule also states that any document essential for

¹This is the second time this case is before us. We initially ordered rebriefing due to deficiencies in Kimble's brief and addendum. *See Kimble v. Hino Motors Mfg. USA, Inc.*, 2012 Ark. App. 178.

²(2011).



Cite as 2012 Ark. App. 376

this court to confirm jurisdiction must also be included in the addendum. Here, Kimble has failed to provide the Commission's opinion, as well as the notice of appeal from that opinion, in his addendum. Kimble has seven days to file a supplemental addendum.³ We strongly encourage appellate counsel, prior to filing the supplemental addendum, to review our rules as well as the record and addenda to ensure that no additional deficiencies are present.

Remanded for supplemental addendum.

VAUGHT, C.J., and MARTIN, J., agree.

Alvin L. Simes, P.A., by: *Alvin L. Simes*, for appellant.

Dover Dixon Horne PLLC, by: *Joseph H. Purvis*, for appellees.

³Ark. Sup. Ct. R. 4-2(b)(4). See *In re 4-2(b)(4) of the Rules of the Supreme Court and Court of Appeals*, 2011 Ark. 141.