

ARKANSAS COURT OF APPEALS

DIVISION II
No. E-12-317

ETHAN O. MOODY

APPELLANT

V.

DIRECTOR, DEPARTMENT OF
WORKFORCE SERVICES, AND
ARKANSAS HIGHWAY AND
TRANSPORTATION
DEPARTMENT

APPELLEES

Opinion Delivered May 22, 2013

APPEAL FROM THE ARKANSAS
BOARD OF REVIEW
[NO. 2011-AT-00508]

REBRIEFING ORDERED

WAYMOND M. BROWN, Judge

Appellant appeals from the Board of Review’s denial of benefits to him under Ark. Code Ann. § 11-10-514(a)¹ on finding that the claimant was discharged from his last work for misconduct in connection with the work. We order rebriefing.

Rule 4-2(a)(5) of the Rules of the Arkansas Supreme Court and Court of Appeals states that “[t]he appellant shall create an abstract of the material parts of all the transcripts (stenographically reported material) in the record.” Rule 4-2(a)(5)(A) states the following:

¹(Repl. 2012).



Exhibits (other than transcripts) shall not be abstracted. Instead, material exhibits shall be copied and placed in the addendum. If an exhibit referred to in the abstract is in the addendum, then the abstract shall include a reference to the addendum page where the exhibit appears.

In his abstract, appellant includes a section titled “Excerpts From Exhibits” in which he abstracts seven documents, despite the above prohibition.

Furthermore, Rule 4-2(a)(8) states that “[t]he addendum shall contain true and legible copies of the non-transcript documents in the record on appeal that are essential for the appellate court to confirm its jurisdiction, to understand the case, and to decide the issues on appeal.” Appellant’s addendum includes only the decision from the Board of Review and fails to include the abstracted exhibits in his addendum where such documents belong.

The appellant is ordered to file a substituted abstract, brief, and addendum that comply with Rule 4-2 within 15 days of the date of this opinion. The clerk shall set the briefing schedule accordingly. We remind counsel that the examples we have noted are not to be taken as an exhaustive list of deficiencies. Counsel is strongly encouraged to carefully review the rules to ensure that no other deficiencies exist. Failure to file a compliant brief within 15 days could result in the Board of Review’s decision being summarily affirmed for noncompliance with our rules. After service of the substituted abstract, brief, and addendum, appellee Department of Workforce Services shall have an opportunity to revise or supplement its brief in the time prescribed by the court, or to rely on the briefs previously filed in this appeal.²

²Appellee Arkansas Highway and Transportation Department did not submit a brief in this matter.



Cite as 2013 Ark. App. 350

Rebriefing ordered.

GLADWIN, CJ., and HIXSON, J., agree.

Larry J. Steele, PLC, by: *Larry J. Steele*, for appellant.

Phyllis A. Edwards, for appellee Artee Williams, Director, Arkansas Department of Workforce Services.