

ARKANSAS COURT OF APPEALS

DIVISION III

No. CA09-216

ROBERT SPRIGGS

APPELLANT

V.

ARKANSAS LOCAL POLICE & FIRE
RETIREMENT BOARD

APPELLEE

Opinion Delivered November 11, 2009

APPEAL FROM THE PULASKI
COUNTY CIRCUIT COURT
[NO. CV-2006-10226]

HONORABLE COLLINS KILGORE,
JUDGE

REBRIEFING ORDERED

WAYMOND M. BROWN, Judge

Former North Little Rock police officer Robert Spriggs was denied retirement benefits by the Arkansas Local Police and Fire Retirement Board (LOPFI). An appeal to the Pulaski County Circuit Court was unsuccessful. Spriggs now comes before this court seeking reversal. He argues that the circuit court erred in not remanding his case for an additional hearing and that the decision of the board was in error. We order rebriefing, as Spriggs's brief does not comply with the rules of this court.

Spriggs had been an officer for the North Little Rock Police Department (NLRPD) for eleven years. On September 24, 2002, he suffered a knee injury while carrying a heavy bag of tools down some stairs. The injury occurred while he was on duty. He presented to the company doctor, who prescribed anti-inflammatory medication and returned him to full duty.

However, Spriggs later presented to his own doctors for more treatment. In March 2005, the NLRPD was in the process of adopting a new light-duty policy, which required a mandatory physical training test. The test required crawling, which Spriggs opined he was unable to do. He subsequently applied for disability benefits, but his claim was denied by the executive director of LOPFI. Subsequent appeals to the full board and to the Pulaski County Circuit Court were unsuccessful. Spriggs now appeals to this court.

Spriggs's brief does not comply with the rules of this court. Under Arkansas Supreme Court Rule 4-2(a)(5), an appellant's abstract should include, among other things, "colloquies between the court and counsel and other parties as are necessary to an understanding of all questions presented to the Court for decision." In addition, Rule 4-2(a)(8) requires in the addendum all "relevant pleadings, documents, or exhibits essential to an understanding of the case." Missing from Spriggs's brief are the pleadings, the briefs, and the oral arguments presented to LOPFI and the circuit court.

Spriggs has fifteen days from the date of this order in which to file a substituted brief with an addendum and abstract containing the above listed matters. *See* Ark. Sup. Ct. R. 4-2(b)(3). Upon Spriggs's filing the substituted brief, LOPFI will be afforded an opportunity to revise its brief at the expense of Spriggs or his counsel. *Id.* If Spriggs fails to file a brief with a complying addendum and abstract within the prescribed time, the judgment may be affirmed for noncompliance with the rules.

Rebriefing ordered.
GRUBER and BAKER, JJ., agree.