

**ARKANSAS COURT OF APPEALS**

DIVISION III  
No. CA 09-472

MACK-REYNOLDS APPRAISAL  
COMPANY

APPELLANT

V.

ROBERT MORTON

APPELLEE

**Opinion Delivered** November 4, 2009

APPEAL FROM THE ARKANSAS  
WORKERS' COMPENSATION  
COMMISSION  
[NO. F709152]

REBRIEFING ORDERED

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**COURTNEY HUDSON HENRY, Judge**

Appellant Mack-Reynolds Appraisal Company appeals the decision of the Arkansas Workers' Compensation Commission finding that appellee Robert Morton sustained a work-related injury and awarding him compensation for medical treatment and temporary total disability benefits. For reversal, appellant contends that substantial evidence does not support the Commission's findings that appellee sustained a compensable injury and that appellee is entitled to temporary total disability benefits. Appellant also claims error in the administrative law judge's exclusion of photographs and a medical form from admission into evidence. We are not able to reach the merits of appellant's contentions because the abstract and addendum are not complete.



Cite as 2009 Ark. App. 736

Rule 4-2(a) of the Arkansas Rules of the Supreme Court and Court of Appeals provides in part as follows:

(5) *Abstract.* The appellant’s abstract or abridgment of the transcript should consist of an impartial condensation, without comment or emphasis, of only such material parts of the testimony of the witnesses and colloquies between the court and counsel and other parties as are necessary to an understanding of all questions presented to the Court for decision.

. . . .

(8) *Addendum.* Following the signature and certificate of service, the appellant’s brief shall contain an Addendum which shall include true and legible photocopies of the order, judgment, decree, ruling, letter opinion, or Workers’ Compensation Commission opinion from which the appeal is taken, along with any other relevant pleadings, documents, or exhibits essential to an understanding of the case and the Court’s jurisdiction on appeal.

In this appeal, appellant questions the exclusion of photographs and a medical form from admission into evidence. However, appellant failed to include in its abstract appellee’s objections, the discussions between the law judge and counsel, and the rulings of the law judge denying the introduction of these exhibits. Further, appellant has failed to include in the addendum the law judge’s pre-hearing order that formed the basis of the rulings excluding the proposed evidence.

Appellant also asserts that the allowance of temporary total disability benefits is not supported by substantial evidence because light-duty work was available to appellee in soil coding. Yet, appellant has not fully abstracted the testimony of witnesses Angela Rhodes and Josh Cantrell concerning that job, including the testimony of Cantrell that the Commission relied upon in reaching its decision.



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In *Bryan v. City of Cotter*, 2009 Ark. 172, 303 S.W.3d , the supreme court articulated a bright-line rule requiring an appellant to submit a substituted brief when an abstract or addendum does not contain materials that are essential to an understanding of an appeal. In light of this precedent, we direct appellant to file a substituted abstract, addendum, and brief within fifteen days from the date of this opinion. Appellee shall have an opportunity to revise or supplement its brief within the time prescribed by the clerk.

Rebriefing ordered.

ROBBINS and KINARD, JJ., agree.

*Caldwell Law Firm*, by: *Andy L. Caldwell*, for appellants.

*Tolley & Brooks, P.A.*, by: *Evelyn E. Brooks*, for appellee Robert Morton.