

FARRCO CONSTRUCTION COMPANY et al
v. Webster GOLEMAN

79-277

589 S.W. 2d 573

Opinion delivered November 19, 1979
(In Banc)

APPEAL & ERROR — FAILURE OF APPELLANT TO SUFFICIENTLY
ABSTRACT RECORD — AFFIRMANCE. — The failure of appellant to
abstract the administrative trial judge's opinion, the Workers' Com-
pensation Commission decision and the circuit court order, all of
which favored the appellee, requires affirmance due to non-
compliance with Rule 9(d) of the Supreme Court Rules.

Appeal from Desha Circuit Court, *Paul K. Roberts*,
Judge; affirmed.

Bridges, Young, Matthews, Holmes & Drake, for ap-
pellants.

Gibbs Ferguson, for appellee.

DARRELL HICKMAN, Justice. This is an appeal of a
Workers' Compensation case by Farrco Construction Com-
pany and its insurance carrier. The appellant did not abstract
the administrative trial judge's opinion, the Workers' Com-
pensation Commission decision nor the circuit court order,
all of which favored appellee, Webster Goleman. We find
this a violation of Rule 9(d) of the Supreme Court Rules.

We cannot distinguish this case from *Manes v.*
M.O.V.E., Inc., et al, 261 Ark. 793, 552 S.W. 2d 211 (1977)
where we affirmed the Workers' Compensation Commis-
sion order because the order was not abstracted by the
appellant.

We explained in *Bank of Ozark v. Isaacs*, 263 Ark. 113,
563 S.W. 2d 707 (1978), the necessity for the appellant's brief
to properly contain an abstract of the record. In the case of
Wade v. Franklin-Stricklin Land Surveyors, Inc., 264 Ark.
841, 575 S.W. 2d 677 (1979), we referred to numerous recent
cases which were affirmed because of noncompliance with
Rule 9(d). See also *Smith, Arkansas Appellate Practice*;

Abstracting the Record, 31 Ark. L. Rev. 359 (1977).

Affirmed.

HARRIS, C.J., not participating.

GEORGE ROSE SMITH, J., would affirm the judgment on its merits.
