

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

LINDA BONACCORSI,
Petitioner Employee,

v.

THE INDUSTRIAL COMMISSION OF ARIZONA,
Respondent,

WALMART, INC.,
Respondent Employer,

WALMART ASSOCIATES, INC.,
Respondent Insurer.

No. 2 CA-IC 2020-0006
Filed June 8, 2021

THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND
MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES.

NOT FOR PUBLICATION

See Ariz. R. Sup. Ct. 111(c)(1); Ariz. R. Civ. App. P. 28(a)(1), (f);
Ariz. R. P. Spec. Act. 10(k).

Special Action - Industrial Commission
ICA Claim No. 20193090126
Insurer No. 8991079
Gary M. Israel, Administrative Law Judge

AWARD AFFIRMED

COUNSEL

Linda Bonaccorsi, Tucson
In Propria Persona

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The Industrial Commission of Arizona, Phoenix
By Gaetano Testini, Chief Legal Counsel
Counsel for Respondent

Ritsema & Lyon P.C., Tempe
By Kelly F. Kruegel
Counsel for Respondents Employer and Insurer

MEMORANDUM DECISION

Presiding Judge Eppich authored the decision of the Court, in which Chief Judge Vásquez and Vice Chief Judge Staring concurred.

E P P I C H, Presiding Judge:

¶1 In this statutory special action, petitioner Linda Bonaccorsi challenges the Industrial Commission of Arizona's (ICA) dismissal of her hearing request and the subsequent affirmance of that dismissal. For the following reasons, we affirm the award.¹

Factual and Procedural Background

¶2 We view the evidence in the light most favorable to sustaining ICA's award. *Polanco v. Indus. Comm'n*, 214 Ariz. 489, ¶ 2 (App. 2007). In 2019, Bonaccorsi was employed by Walmart, Inc. and was injured while at work. Walmart's insurer accepted her claim for benefits.² Bonaccorsi filed a request to change doctors from Walmart's authorized provider to a different provider.

¶3 Bonaccorsi subsequently filed a request for hearing pursuant to A.R.S. § 23-1061(J), asserting "unauthorized treatment" as the grounds for her request. After Bonaccorsi failed to appear for the scheduled hearing,

¹"[A]ward' for review purposes is any direct determination of an issue concerning a worker's claim." *Tucson Elec. Power Co. v. Indus. Comm'n*, 139 Ariz. 80, 82 (App. 1983).

²Walmart is a self-insured employer. See A.R.S. § 23-1070(A); see also A.R.S. § 23-961(A).

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the administrative law judge (ALJ) dismissed her hearing request and later affirmed the dismissal in a decision upon review. Bonaccorsi now seeks review of those decisions. We have jurisdiction pursuant to A.R.S. §§ 12-120.21(A)(2), 23-951(A), and Rule 10, Ariz. R. P. Spec. Act.

Discussion

¶4 Bonaccorsi contends the ALJ erred in dismissing her request for a hearing. But her petition fails to meaningfully comply with our procedural rules for special actions and civil appeals. It does not include citations to the record or legal authority, and the arguments are not sufficiently developed. *See* Ariz. R. P. Spec. Act. 10(k) (except as otherwise provided, the rules of civil appellate procedure apply); Ariz. R. Civ. App. P. 13(a)(7) (argument must contain supporting reasons for each contention with citations of legal authorities and appropriate references to the record). Accordingly, her claims on appeal are waived. *See Polanco*, 214 Ariz. 489, n.2 (undeveloped, unsupported argument waived on appeal).

Disposition

¶5 For the foregoing reasons, we affirm the award.