

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

MARTIN LYMAN,
Petitioner Employee,

v.

THE INDUSTRIAL COMMISSION OF ARIZONA,
Respondent,

SFA CONTRACTORS,
Respondent Employer,

SELECTIVE INSURANCE CO. OF THE SOUTHEAST,
Respondent Insurer.

No. 2 CA-IC 2021-0005
Filed August 18, 2022

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NOT FOR PUBLICATION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. 20202390009
Insurer No. 22167401
LuAnn Haley, Administrative Law Judge

AWARD AFFIRMED

COUNSEL

Martin Lyman, Tucson
In Propria Persona

LYMAN v. INDUS. COMM'N OF ARIZ.
Decision of the Court

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

Lundmark, Barberich, La Mont, & Slavin P.C., Tucson
By Eric W. Slavin
Counsel for Respondents Employer and Insurer

MEMORANDUM DECISION

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

BREARCLIFFE, Judge:

¶1 In this statutory special action, petitioner Martin Lyman challenges the Industrial Commission's award finding his claim non-compensable, as well as the administrative law judge's decision on review affirming that award. Lyman, who appears before this court in propria persona, does not present a coherent argument beyond stating the facts of his injury and the procedural background. He asserts in his opening brief that his "injury did in fact happen on the job site" in May 2020 and that he "tried to show evidence and it was dismissed," but makes no other argument. He also provides no citations to the record or to any legal authorities to support his contentions.

¶2 "Parties who choose to represent themselves 'are entitled to no more consideration than if they had been represented by counsel' and are held to the same standards as attorneys with respect to 'familiarity with required procedures and . . . notice of statutes and local rules.'" *In re Marriage of Williams*, 219 Ariz. 546, ¶ 13 (App. 2008) (omission in *Williams*) (quoting *Smith v. Rabb*, 95 Ariz. 49, 53 (1963)). An opening brief must provide a statement of facts "with appropriate references to the record," Ariz. R. Civ. App. P. 13(a)(5), it must also include an argument "with supporting reasons for each contention, and with citations of legal authorities and appropriate references to the portions of the record on

LYMAN v. INDUS. COMM'N OF ARIZ.
Decision of the Court

which the appellant relies,” Ariz. R. Civ. App. P. 13(a)(7)(A).¹ Failure to provide citations to legal authorities and the record on appeal “can constitute abandonment and waiver of that claim.” *Ritchie v. Krasner*, 221 Ariz. 288, ¶ 62 (App. 2009). Due to Lyman’s failure to comply with Rule 13(a)(5) and (7), he has waived all arguments on review.

¶3 We affirm the Industrial Commission’s award and the decision on review affirming that Lyman’s claim was non-compensable.

¹The Arizona Rules of Civil Appellate Procedure apply to special action reviews of Industrial Commission awards. *Polanco v. Indus. Comm’n*, 214 Ariz. 489, n.2 (App. 2007); Ariz. R. P. Spec. Act. 10(k); A.R.S. § 23-951(E).