

Cite as 2018 Ark. App. 585

ARKANSAS COURT OF APPEALS

DIVISION I

No. CV-18-276

J.C.

APPELLANT

V.

ARKANSAS DEPARTMENT OF HUMAN
SERVICES

APPELLEE

OPINION DELIVERED: DECEMBER 5, 2018

APPEAL FROM THE PULASKI
COUNTY CIRCUIT COURT, SIXTH
DIVISION

[NO. 60CV-17-3366]

HONORABLE TIMOTHY DAVIS FOX,
JUDGE

REBRIEFING ORDERED

ROBERT J. GLADWIN, Judge

J.C. appeals the Pulaski County Circuit Court’s December 13, 2017 order affirming the decision of the Office of Appeals and Hearings for the Arkansas Department of Human Services (DHS) that he had committed sexual abuse of a minor and that his name should be placed on the Arkansas Child Maltreatment Central Registry. J.C. argues that the agency’s decision is arbitrary, capricious, and an abuse of discretion. However, we do not reach the merits of J.C.’s argument because his appellate brief is inadequate.

We order rebriefing because the administrative hearing was not abstracted; instead, a transcript of the hearing is included in the addendum. J.C.’s counsel states that no abstract is required because the circuit court affirmed the agency’s decision without a hearing and that the record contained an “uncertified” transcript of the administrative hearing. The brief states, “Inquiry of the clerk obtained the guidance that it should be

placed in the addendum and not abstracted.” This is contrary to Arkansas Supreme Court and Court of Appeals Rule 4-2(a)(5)(A) (2018), which provides:

All material information recorded in a transcript (stenographically reported material) must be abstracted. Depending on the issues on appeal, material information may be found in, for example, counsel’s statements and arguments, voir dire, testimony, objections, admissions of evidence, proffers, colloquies between the court and counsel, jury instructions (if transcribed), and rulings. All material parts of all hearing transcripts, trial transcripts, and deposition transcripts must be abstracted, even if they are an exhibit to a motion or other paper. Exhibits (other than transcripts) shall not be abstracted. Instead, material exhibits shall be copied and placed in the addendum. If an exhibit referred to in the abstract is in the addendum, then the abstract shall include a reference to the addendum page where the exhibit appears.

We order that a substituted brief be filed within fifteen days pursuant to Rule 4-2(b)(3). See *Groce v. Ark. Dep’t of Human Servs.*, 82 Ark. App. 447, 117 S.W.3d 618 (2003) (discussing this court’s procedure for rebriefing when appellant’s abstract of the administrative hearing failed to include material portions; no rebriefing ordered because supplemental abstract filed by appellee was sufficient). After service of the substituted addendum and brief, appellee DHS shall have an opportunity to revise or supplement its brief in the time prescribed by the clerk.

Rebriefing ordered.

GRUBER, C.J., and BROWN, J., agree.

Jeff Rosenzweig, for appellant.

Callie Corbyn, Office of Chief Counsel, for appellee.