

ARKANSAS COURT OF APPEALS

DIVISION II
No. CA09-109

STEVEN DIDDLE

APPELLANT

Opinion Delivered June 3, 2009

V.

WESTWOOD HEALTH &
REHABILITATION, INC. and CCMSI,
CARRIER

APPELLEES

APPEAL FROM THE ARKANSAS
WORKERS' COMPENSATION
COMMISSION
[NO. F700988]

REBRIEFING ORDERED

JOSEPHINE LINKER HART, Judge

Appellant, Steven Diddle, appeals from the decision of the Arkansas Workers' Compensation Commission finding that he was not entitled to his requested additional medical benefits and temporary total disability benefits, because the benefits were not necessitated by or connected with his admittedly compensable injury of July 2006. On appeal, he argues that the Commission's decision was not supported by substantial evidence.

At the hearing before the administrative law judge, Diddle and appellees introduced several medical records, and Diddle discusses these medical records in his argument on appeal. But while the medical records appear in the transcript, Diddle failed to include the medical records in the addendum of his brief.¹

Our addendum rule provides, in pertinent part, that "the appellant's brief shall contain

¹We do note that appellees included one of the discussed medical records in its supplemental addendum.

an Addendum which shall include true and legible photocopies of . . . exhibits essential to an understanding of the case.” Ark. Sup. Ct. R. 4-2(a)(8) (2009). Here, the medical records are essential to an understanding of the case. Without them, the addendum is deficient such that we cannot reach the merits of the case. See *Roberts v. Roberts*, ___ Ark. ___, ___ S.W.3d ___ (May 21, 2009); Ark. Sup. Ct. R. 4-2(b)(3). Accordingly, we afford Diddle an opportunity to cure the deficiency and grant fifteen days within which to file a substituted abstract, addendum, and brief. Ark. Sup. Ct. R. 4-2(b)(3). If, after the opportunity to cure the deficiencies, Diddle fails to file a complying abstract, addendum, and brief within the prescribed time, the judgment may be affirmed for noncompliance. *Id.*

Rebriefing ordered.

ROBBINS and BAKER, JJ., agree.