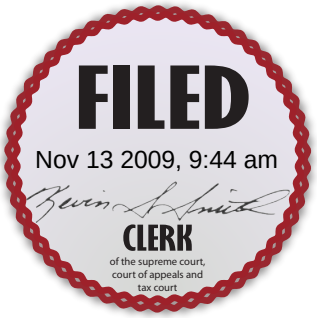

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IN THE
COURT OF APPEALS OF INDIANA

REBECCA S. MCCLURE,	)	
	)	
Appellant-Plaintiff,	)	
	)	
vs.	)	No. 93A02-0904-EX-306
	)	
ANTHEM, INC.,	)	
	)	
Appellee-Defendant.	)	

APPEAL FROM THE INDIANA WORKER'S COMPENSATION BOARD
Cause No. C-166110

November 13, 2009

MEMORANDUM DECISION - NOT FOR PUBLICATION

NAJAM, Judge

STATEMENT OF THE CASE

Rebecca McClure filed an application for adjustment of claim with the Worker's Compensation Board of Indiana (the "Board") against her employer, Anthem, Inc. ("Anthem"). A Single Hearing Judge denied her claim, concluding that McClure had not suffered any injury arising out of and in the course of her employment with Anthem. McClure petitioned the full Board, which affirmed the Single Hearing Judge's decision. Due to McClure's blatant disregard of the appellate rules, we do not reach the merits of her appeal.

We dismiss.

FACTS AND PROCEDURAL HISTORY

McClure was employed by Anthem from 1987 until 2003. In June 2003, McClure filed an application for adjustment of claim alleging a psychological injury allegedly resulting from "mental abuse" by her supervisor at Anthem, Nancy Purcell. Appellant's App. at 281. After five years and six different attorneys, McClure proceeded pro se, and the Single Hearing Judge determined that the final hearing should be conducted by written submission. On October 9, 2008, the Single Hearing Judge issued a decision denying McClure's application for adjustment of claim, finding and concluding in part:

> 17. Plaintiff is a pleasant woman whose perceptions of reality . . . are distorted by her psychological disorders. This causes Plaintiff to react in extreme and unfounded ways to events and circumstances surrounding her, as evidenced, in part, by Plaintiff's alarming presentation at the attempted Hearing of this case on June 21, 2007 (gagging, vomiting and hyperventilating such that transport by ambulance to the hospital was required) and Plaintiff's violent illness while on her way to the next attempted Hearing (projectile vomiting requiring hospital emergency room treatment). While Plaintiff is no doubt sincere in her beliefs and testimony (i.e., she sincerely believes what she perceives), the undersigned finds that

> her testimony regarding the facts and circumstances surrounding this claim is based upon a distorted perception of reality and, thus, is to be given little weight.
>
> 18. The greater weight of the evidence establishes that Plaintiff's current psychological condition(s) are caused by Plaintiff's longstanding, pre-existing and nonwork-related mental illness. Consequently, the undersigned concludes that Plaintiff did not suffer a mental stress injury by accident arising out of and in the course of her employment with Defendant.

Appellee's App. at 1816. McClure appealed that decision to the full Board, which adopted the Single Hearing Judge's decision. This appeal ensued.

DISCUSSION AND DECISION

We do not address the merits of McClure's appeal. As Anthem points out, McClure's brief on appeal contains several flagrant violations of the appellate rules. We recognize that McClure is proceeding pro se. Nonetheless, it is well settled that pro se litigants are held to the same standard as are licensed lawyers. Goossens v. Goossens, 829 N.E.2d 36, 43 (Ind. Ct. App. 2005).

McClure's brief wholly fails to comply with Indiana Appellate Rule 46(A)(8)(a), which requires that the argument must contain the contentions of the appellant on the issues presented, supported by cogent reasoning. Each contention must be supported by citations to the authorities, statutes, and the Appendix or parts of the Record on Appeal relied on. Id. Rule 46(A)(8)(a) is the most important of the appellate rules in that compliance with it is crucial to this court's ability to address an appeal.

Here, McClure fails to set out her contentions in a coherent manner, and she does not present any cogent reasoning. While her argument section includes a couple of citations to authority, McClure does not adequately explain the relevance of those

authorities to her argument on appeal. And McClure does not support her confusing allegations with citations to evidence in the appendix. Further, McClure does not set out the appropriate standard of review on appeal, in violation of Rule 46(A)(8)(b).

Our review of McClure's appeal is so hampered by the deficiencies in her brief that we must dismiss the appeal. See, e.g., Galvan v. State, 877 N.E.2d 213, 216 (Ind. Ct. App. 2007). We simply cannot discern McClure's contentions or argument. McClure's substantial failure to comply with various appellate rules is not merely a technical violation but makes it virtually impossible to address her appeal on the merits. This court will not fashion an argument on behalf of a party who fails to make an argument and support it with appropriate citations to authority and to the record. See Young v. Butts, 685 N.E.2d 147, 151 (Ind. Ct. App. 1997) (observing that a "court which must search the record and make up its own arguments because a party has not adequately presented them runs the risk of becoming an advocate rather than an adjudicator.").

Even if we were to address the merits of McClure's appeal, this court would be bound by the factual determinations of the Board and would not disturb them unless the evidence was undisputed and led inescapably to a contrary conclusion. See Kovatch v. A.M. General, 679 N.E.2d 940 (Ind. Ct. App. 1997) (citations omitted), trans. denied. From what we can glean from McClure's brief, she challenges the factual basis for the Board's determinations. The Board found that "[t]he greater weight of the evidence establishes that [McClure's] current psychological condition(s) are caused by [her] longstanding, pre-existing and nonwork-related mental illness." Appellee's App. at 1816. And the Board concluded that her alleged injury did not arise out of and in the course of

her employment with Anthem. On appeal, we will neither reweigh the evidence nor judge the credibility of witnesses. See id.

Our review of the record shows that there is evidence that supports the Board's decision. And the evidence is not undisputed and does not lead "inescapably to a contrary conclusion," which, again, is what the law requires for this court to reverse the Board on evidentiary grounds. See id. Finally, McClure's attempt to assert constitutional and negligence claims in her application for adjustment of claim was misplaced. The Board correctly found that those claims are beyond its jurisdiction.

Dismissed.

KIRSCH, J., and BARNES, J., concur.