

IN THE UTAH COURT OF APPEALS

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William Revene,	)	MEMORANDUM DECISION
	)	(Not For Official Publication)
Petitioner,	)	
	)	Case No. 20080076-CA
v.	)	
	)	
Labor Commission, Nationwide	)	F I L E D
Insurance Co., and Employer's	)	(July 17, 2008)
Insurance of Wausau,	)	
	)	2008 UT App 276
Respondents.	)	
	)	

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Original Proceeding in this Court

Attorneys: William Revene, Salt Lake City, Petitioner Pro Se  
Bret A. Gardner and Kristy L. Bertelsen, Salt Lake  
City, for Appellees Nationwide Insurance Co. and  
Employer's Insurance of Wausau

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Before Judges Greenwood, Thorne, and Orme.

PER CURIAM:

William Revene petitions for review of the Labor Commission Appeals Board's (Board) affirmance of the decision denying Revene additional medical benefits. Because Revene's brief is insufficient and the record is inadequate for review, we affirm.

Briefing standards are provided in rule 24 of the Utah Rules of Appellate Procedure. See Utah R. App. P. 24. An appellate brief must contain, among other things, a statement of the issues for review, including the standard of review for each issue and a record citation showing that the issue was preserved for appeal. See Utah R. App. P. 24(a)(5). In addition, a statement of facts relevant to the issues on appeal must be provided along with citations to the record to support the facts asserted. See Utah R. App. P. 24(a)(7). A brief must also contain argument specifically setting forth the contentions and reasons of an appellant regarding the issues presented and including citations to relevant legal authority. Utah R. App. P. 24(a)(9). A party challenging a finding of fact must marshal the evidence in support of that finding in the argument. See *id.* To be properly

briefed, an argument must provide reasoned analysis based on the legal authority cited. See Spencer v. Pleasant View City, 2003 UT App 379, ¶ 20, 80 P.3d 546.

Revene's brief fails in all these respects. He fails to provide a statement of relevant legal issues for review regarding the Board's decision. Importantly, he does not provide a citation to show where the issues were preserved for review. Because the issues are not clearly related to the grounds for decision, it is even more critical to show how the issues were preserved to demonstrate any relevance to the final decision.

Additionally, Revene's statement of facts does not have any citation to the record to establish that the facts are supported. Rather, the fact statement appears to be simply assertions from Revene's own perspective, and some are mere argument. Accordingly, the fact statement does not provide the required factual context for the appeal.

The argument section of Revene's brief also fails to meet briefing standards. His argument is little more than one page of conclusory assertions with no legal support or record citations. Although he provides some legal citation in setting out his statement of issues, he does not carry that forward to the argument and provide any reasoned analysis of how the legal authority applies to his case. Furthermore, he fails to marshal the evidence in support of the determination that he was not entitled to additional benefits.

These deficiencies go to the very substance of the appeal and prevent this court from reaching the merits of the petition for review. "It is well established that an appellate court will decline to consider an argument that a party has failed to adequately brief." Valcarce v. Fitzgerald, 961 P.2d 305, 313 (Utah 1998).

Moreover, Revene has failed to provide a transcript of the proceedings. As a result, the record on appeal is inadequate to review the issues. Revene has an obligation to provide this court with a complete record in order for the court to evaluate his claims. See Utah R. App. P. 11(e)(2); State v. Penman, 964 P.2d 1157, 1162 (Utah Ct. App. 1998). "'Absent that record, defendant's assignment of error stands as a unilateral allegation which the reviewing court has no power to determine.'" Id. (quoting State v. Wulffenstein, 657 P.2d 289, 293 (Utah 1982)). Although Revene notified this court that no transcript would be required, the ability to review the hearing that is the core of this proceeding is critical to review any issue on appeal. Absent a transcript, we cannot verify whether issues were preserved or review the evidence presented to evaluate whether

the decision is supported. When the record on appeal is inadequate, we presume the regularity of the proceedings below. See State v. Pritchett, 2003 UT 24, ¶ 13, 69 P.3d 1278.

Affirmed.

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Pamela T. Greenwood,  
Associate Presiding Judge

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William A. Thorne Jr.,  
Associate Presiding Judge

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Gregory K. Orme, Judge