

*An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority. Citation is disfavored, but may be permitted in accordance with the provisions of Rule 30(e)(3) of the North Carolina Rules of Appellate Procedure.*

NO. COA04-1473

NORTH CAROLINA COURT OF APPEALS

Filed: 19 July 2005

CHERYL JONES,  
Plaintiff-employee

v.

North Carolina Industrial Commission  
I.C. File No. 132183

GEORGIA-PACIFIC COMPANY,  
Defendant-employer,

SELF INSURED  
(SEDWICK CMS, Servicing Agent)

Appeal by plaintiff from Opinion and Award filed 9 June 2004 by the Full Commission.

Heard in the Court of Appeals 8 June 2005.

*Cheryl Jones, pro-se, plaintiff-appellant.*

*Hedrick & Morton, L.L.P., by P. Scott Hedrick, for defendant-appellee.*

BRYANT, Judge.

On 6 October 2000, Cheryl Jones (plaintiff) was working for Georgia-Pacific Company (defendant) as a Dryer Feeder. In the course of plaintiff's regular duties, a pile of wood fell and struck her on the left thigh and knee. Plaintiff asked to see a physician concerning her injury and was sent to the Mount Olive Family Medical Center. Plaintiff was diagnosed with a hematoma to the left knee and placed on light work duty. Plaintiff was in and out of work from 11 October 2000 to 27 October 2000 and seen by several doctors. From 27 October 2000 through 23 March 2001, plaintiff worked light duty work. On 23 March 2001, plaintiff was cleared by Dr. William

DeAraujo to return to work in her regular job as a Dryer Feeder. However, in early April 2001, plaintiff went on her own to see Dr. Muin Dugom, her family physician, and Dr. Rudolph Maier, a neurologist, both of whom recommended work restrictions.

On 13 September 2001, plaintiff reported having re-injured her knee on 5 September 2001 and was treated by Dr. DeAraujo, who recommended she take Relafen, “continue her work,” and return in four weeks. For the remainder of 2001, plaintiff continued working as a Dryer Feeder. On 16 December 2002 plaintiff was evaluated by Dr. Robert Martin who reported no objective evidence that plaintiff had “a specific ligament or meniscal injury in the left knee . . . [or] osteoarthritis.” Dr. Martin recommended a bone scan to “clarify the issue of osteoarthritis and possibly any overlooked injury to the left knee.” After review of the bone scan results, Dr. Martin released plaintiff to her usual position as a Dryer Feeder on 20 January 2003.

On 21 April 2003, plaintiff’s claim was heard before Deputy Commissioner Adrian Phillips. Plaintiff appealed the Deputy Commissioner’s Opinion and Award to the Full Commission where arguments were heard on 16 April 2004. The Full Commission affirmed the Deputy Commissioner’s Opinion and Award, concluding: (1) plaintiff sustained a compensable injury by accident on 6 October 2000; (2) plaintiff was temporarily totally disabled as a result of her injury by accident from 16 December 2002 to 20 January 2003 and is entitled to disability compensation at the rate of \$337.37 per week for that time period; (3) plaintiff retains no permanent partial impairment nor does she suffer from fibromyalgia or osteoarthritis as a result of her compensable injury by accident, and is not entitled to further disability compensation; (4) plaintiff is entitled to the payment of all medical expenses incurred as a result of the injury by accident so long as they tended to affect a cure or give relief, however, the care provided by Dr. Rudolph Maier was not authorized and did not provide relief; and (5) plaintiff is not entitled to

have defendants pay for unauthorized medical prescriptions, treatment or travel. Plaintiff appeals the Full Commission's Opinion and Award partially denying her claims for workers' compensation benefits.

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In this appeal, plaintiff has violated multiple North Carolina Rules of Appellate Procedure, including Rule 10(c)(1), Rule 28(a), Rule 28(b)(1), Rule 28(b)(2), Rule 28(b)(3), Rule 28(b)(4), Rule 28(b)(6), and Rule 28(j)(1)(B). Plaintiff has failed to present any assignments of error within the record on appeal and fails to refer to any assignments of error in her appellate brief. N.C. R. App. P. 10(c)(1). In addition, plaintiff's brief fails to comply with our appellate rules by: (1) failing to contain a statement of the questions presented for review, N.C. R. App. P. 28(b)(2); (2) failing to state the grounds for appellate review, N.C. R. App. P. 28(b)(4); and (3) failing to use the proper type style, N.C. R. App. P. 28(j)(1)(B). After repeatedly reading both the record on appeal and plaintiff's brief, this Court was unable to determine any questions presented by plaintiff. Plaintiff's only indication of desired review is her request that this Court "overturn the judgements [sic] of the North Carolina Industrial Commission and find based on the competent evidence before [this Court] for the Plaintiff-Appellant."

The Rules of Appellate Procedure are mandatory; failure to comply with these rules subjects an appeal to dismissal. Furthermore, these rules apply to everyone -- whether acting *pro se* or being represented by all of the five largest law firms in the state. Because plaintiff violated many of the appellate rules, [this] appeal must be dismissed, notwithstanding [plaintiff's] *pro se* status.

*Bledsoe v. County of Wilkes*, 135 N.C. App. 124, 125, 519 SE.2d 316, 317 (1999) (citing *Steingress v. Steingress*, 350 N.C. 64, 65, 511 S.E.2d 298, 299 (1999)); *see also*, *Viar v. N.C.*

*Dep't of Transp.*, 359 N.C. 400, 610 S.E.2d 360 (2005). Thus, in accordance with Rule 34 of the North Carolina Rules of Appellate Procedure, this Court dismisses plaintiff's appeal.

Dismissed.

Judges McCULLOUGH and TYSON concur.

Report per Rule 30(e).