

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority.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. COA09-1527

NORTH CAROLINA COURT OF APPEALS

Filed: 3 August 2010

FLOYD EUGENE JACOBS,
Employee,
Plaintiff,

v.

N.C. Industrial Commission
I.C. No. 798617

KABA ILCO CORPORATION,
Employer,

LIBERTY MUTUAL INSURANCE
COMPANY,
Carrier,
Defendants.

Appeal by plaintiff from opinion and award entered 8 July 2009 by the Full Commission. Heard in the Court of Appeals 29 April 2010.

Floyd Eugene Jacobs, pro se.

Davis and Hamrick, L.L.P., by Shannon Warf Wilson, for defendants.

ELMORE, Judge.

Floyd Eugene Jacobs (plaintiff) appeals an opinion and award by the Full Commission denying plaintiff's claim for benefits under the North Carolina Workers' Compensation Act. Due to gross violations of the North Carolina Rules of Appellate Procedure, we dismiss plaintiff's appeal.

In determining whether a party's noncompliance with the appellate rules rises

to the level of a substantial failure or gross violation, the court may consider, among other factors, whether and to what extent the noncompliance impairs the court's task of review and whether and to what extent review on the merits would frustrate the adversarial process.

Dogwood Dev. & Mgmt. Co., LLC v. White Oak Transp. Co., 362 N.C. 191, 200, 657 S.E.2d 361, 366-67 (2008).

Per Rule 28(b)(5) of the North Carolina Rules of Appellate Procedure, a brief must contain:

A full and complete statement of the facts. This should be a non-argumentative summary of all material facts underlying the matter in controversy which are necessary to understand all issues presented for review, supported by references to pages in the transcript of proceedings, the record on appeal, or exhibits, as the case may be.

N.C.R. App. P. 28(b)(5) (2009). The bulk of plaintiff's brief, which consists of one and a half handwritten pages, recounts plaintiff's version of the facts underlying his claim. However, they are unsupported by any references to pages in the transcript of the proceedings, the record on appeal, or exhibits.

Following the two paragraphs of "facts," the brief concludes with the following paragraph: "Therefore Since ALL reports from Employer to the Insurance CArrier and the North Carolina Industria[l] Commission is negligent and perjurous [sic] I am Seeking for All medical coverage, damages and compensAtion of All benefits." This sentence comprises the whole of plaintiff's legal argument and, as such, it is deficient.

Per Rule 28(b)(6) of the North Carolina Rules of Appellate Procedure, "[t]he argument shall contain a concise statement of the

applicable standard(s) of review for each question presented." N.C.R. App. P. 28(b)(6) (2009). No such standards of review are provided.

Per Rule 28(b)(6) of the North Carolina Rules of Appellate Procedure, "[t]he body of the argument and the statement of applicable standard(s) of review shall contain citations of the authorities upon which the appellant relies." N.C.R. App. P. 28(b)(6) (2009). Plaintiff provides no citations or references to any legal authority, nor does he make any meaningful legal argument.

Defendant's noncompliance with our Rules of Appellate Procedure has made it impossible for this Court to undertake a meaningful review of the decision below. We are aware that defendant is acting *pro se* in this matter, but that status does not permit gross violations of the rules. See *Strauss v. Hunt*, 140 N.C. App. 345, 348-49, 536 S.E.2d 636, 639 (2000) ("[E]ven *pro se* appellants must adhere strictly to the Rules of Appellate Procedure (the Rules) or risk sanctions[.]") (citing N.C.R. App. P. 25(b)). Accordingly, we dismiss plaintiff's appeal.

Dismissed.

Judges BRYANT and ERVIN concur.

Report per Rule 30(e).