ORIGINAL

20030155

IN THE SUPREME COURT
STATE OF NORTH DAKOTA
Supreme Court No. 20030155

FILED
IN THE OFFICE OF THE
CLERK OF SUPREME COURT

SEP 19 2003

STATE OF NORTH DAKOTA

Dudley Benson

Appellant

vs.

North Dakota Workforce
Safety and Insurance

Appellee

REPLY BRIEF SUBMITTED BY APPELLANT IN RESPONSE TO BRIEF FILED BY APPELLEE

REPLY SUMMARY TO BRIEF FILED BY APPELLEE,

NORTH DAKOTA WORKFORCE SAFETY AND INSURANCE,

REPRESENTED BY Ms. Jacqueline Anderson

cc: Ms. Jacqueline Anderson

It appears to me that the main issue in my appeal presented before the Supreme Court of North Dakota is to review the possible alleged delay in receiving requested medical records from from North Dakota Workforce Safety and Insurance to be used in my Administrative Hearing on October 10, 2002.
These timely requested medical records were, by coincidence, received a day after my Administrative Hearing and contained relevant documented medical statements noted in reports on file with WSI, were not available to be used in my Administrative Hearing.
Documentation of my medical condition is included as exhibits presented to the District Court on February 21, 2003, marked as exhibit #48, dated October 12, 1994, exhibit #49, dated October 10, 1996, exhibit #49, dated October 10, 1996, exhibit #50, dated January 22, 1997 and exhibit #51, dated February 18, 1997.
Documentation of these medical chart notes on review clearly, along with prescribed medications consumed following my accident on July 6, 1992, will associate the many side effects of these medications that forced me to have surgery on September 6,2001.
On review of brief received from representative of of WSI, page 2-3 and 4, Ms.Jacqueline Anderson references to many cases, rules and statues without providing any substance or short brief on each notation by her.
Included in this same brief, titled under statement of the issue, page, last paragraph, Ms. Jacqueline Anderson, countervails

herself in statement on page 5 that Appellee had requested copies from the District Court without providing me with a copy of the letter made in reference by Ms. Jacqueline Anderson. It appears that Ms. Anderson is merely construing the statement as I personally never received copy of letter directed to the District Court.

Again, Appellant admits to possible failure to compile to NDCC 28-32-42(4) with District Court and had requested an extension to be granted to fulfill requirements of this Code. Interpretation of Rule 4(a) of the North Dakota Rule of Appellate Procedure states that the Trial Court may extend the time for filing the notice of appeal by any party for a period not to exceed 30 days from the expiration of the time otherwise prescribed for appeal.

Appellant again noticed incorrect North Dakota Workers Compensation Claim number on Affidavit of Service included by Ms. Jacqueline Anderson again as she also, dated April 7, 2003, filed on the same incorrect claim number.

Appellant cites possible alleged failure for North Dakota Workers Compensation to provide requested medical records in a timely time frame for Appellant to offer medical records as evidence in the Administrative Hearing and proceedings prior to his October 10, 2002, Administrative Hearing, in his behalf and support.

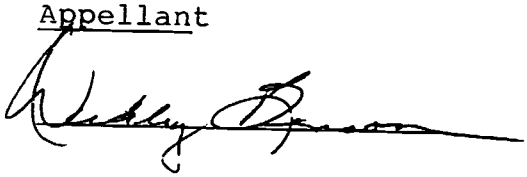
Dudley Benson, Appellant, petitions the Supreme Court of North Dakota, upon review, will find in behalf of Appellant

and open his appeal for consideration of admission of of medical records documented in exhibits presented to District Court.

Favorable ruling issued by the Supreme Court of North Dakota either to have District Court or order agency, North Dakota Workers Compensation Bureau to re-open Administrative Hearing for review of relevant medical records.

Dated: September 17, 2003

Appellant



Dudley Benson
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