

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. E908494

VIRGIE L. HARVEY,
EMPLOYEE

CLAIMANT

SR OF ARKANSAS,
EMPLOYER

RESPONDENT

HARTFORD,
INSURANCE CARRIER

RESPONDENT

ORDER FILED AUGUST 17, 2004

Upon review before the FULL COMMISSION in Little Rock,
Pulaski County, Arkansas.

Claimant represented by HONORABLE PHILIP M. WILSON, Attorney
at Law, Little Rock, Arkansas.

Respondents represented by HONORABLE RANDY P. MURPHY,
Attorney at Law, Little Rock, Arkansas.

ORDER

This matter is currently before the Full Commission on
the respondent's Motion to Dismiss its notice of appeal to
the Arkansas Court of Appeals. The Full Commission's
opinion entered on July, 23, 2003 was reversed and remanded
by the Court of Appeals on June 3, 2004. The Full
Commission entered a new opinion as a result of this
reversal and remand from the Court of Appeals on June 17,
2004.

Respondent filed a timely notice of appeal from that
opinion. The record however, was not filed with the Court
of Appeals. Respondent now requests that this latest notice

of appeal be dismissed. Claimant has filed a stipulation agreeing to this dismissal.

Pursuant to Ark. R. App. Rule 3(b), this Commission can dismiss an appeal to the Court of Appeals only if the motion to dismiss is filed with the Commission before the record is docketed with the Court, and if all parties to the appeal petition for dismissal and jointly stipulate that the case is to be dismissed. In Re Arkansas Rules of Appellate Procedure 3(b). In the present case, the claimant and the respondent have now jointly stipulated to dismiss the appeal. Because the Commission still retains jurisdiction over this claim, we find that the respondent's Motion to Dismiss its appeal to the Arkansas Court of Appeals is hereby granted.

IT IS SO ORDERED.

OLAN W. REEVES, Chairman

SHELBY W. TURNER, Commissioner

KAREN H. MCKINNEY, Commissioner