

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F100223

DIANE MALONE,
EMPLOYEE

CLAIMANT

MID-SOUTH MANUFACTURING, INC.,
EMPLOYER

RESPONDENT

CNA,
INSURANCE CARRIER

RESPONDENT

ORDER FILED MARCH 9, 2004

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

Claimant represented by HONORABLE KEITH BLACKMAN, Attorney
at Law, Jonesboro, Arkansas.

Respondents represented by HONORABLE JOHN D. DAVIS, Attorney
at Law, Little Rock, Arkansas.

ORDER

This matter is currently before the Full Commission on
the claimant's attorney's Motion to Dismiss Claimant's
Appeal to the Arkansas Court of Appeals. Claimant's appeal
to the Court of Appeals was never perfected even after the
filing of a notice of appeal from our Order entered April
28, 2003.

Pursuant to Ark. R. App. P. 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 the present case, this motion

was filed before the record was docketed, and the claimant and the respondents have jointly stipulated to dismiss the appeal.

After our consideration of claimant's motion, respondents' agreement thereto, and all other matters properly before the Commission, we find that claimant's motion should be and hereby is granted.

IT IS SO ORDERED.

OLAN W. REEVES, Chairman

SHELBY W. TURNER, Commissioner

KAREN H. MCKINNEY, Commissioner