

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F108796

ODEA SIGH, EMPLOYEE	CLAIMANT
BURNS INTERNATIONAL SECURITY, EMPLOYER	RESPONDENT
LUMBERMEN'S MUTUAL CASUALTY CO., CARRIER	RESPONDENT

ORDER FILED JUNE 4, 2004

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

Claimant, MR. ODEA SIGN, is not represented by counsel, but appears pro se.

Respondent represented by THE HONORABLE ERIC NEWKIRK, Attorney at Law, Little Rock, Arkansas.

ORDER

This matter is currently before the Full Commission on the respondent's Motion to Dismiss Claimant's Appeal to the Arkansas Court of Appeals. The claimant filed his notice of appeal 150 days after the Full Commission's decision. Ark. Code Ann. § 11-9-711(b)(A) requires a notice of appeal be filed within thirty (30) days of receipt of the opinion.

This matter is currently pending before the Arkansas Court of Appeals and the Commission has no jurisdiction. After duly considering the respondent's motion and all other matters properly before the Commission, we find that we do not have authority to dismiss the appeal. 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 Re Arkansas Rules of Appellate Procedure 3(b).

In the present case, the claimant and the respondents have not jointly stipulated to dismiss the appeal. Because the Commission is without jurisdiction over this claim, we have no authority to grant the respondent's motion. Therefore, we find that the respondent's Motion to Dismiss Claimant's Appeal to the Arkansas Court of Appeals must be and hereby is denied. The motion must be made to the Court of Appeals.

_____IT IS SO ORDERED.

OLAN W. REEVES, Chairman

SHELBY W. TURNER, Commissioner

KAREN H. MCKINNEY, Commissioner