

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. E607106

CAMPY L. BRISTER,
EMPLOYEE

CLAIMANT

LITTLE ROCK WASTE WATER UTILITIES,
EMPLOYER

RESPONDENT

ARKANSAS MUNICIPAL LEAGUE
WORKERS' COMPENSATION TRUST,
INSURANCE CARRIER

RESPONDENT

OPINION FILED NOVEMBER 21, 2005

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

Claimant represented by the HONORABLE H. OSCAR HIRBY,
Attorney at Law, Little Rock, Arkansas.

Respondents represented by the HONORABLE J. CHRIS BRADLEY,
Attorney at Law, Little Rock, Arkansas.

ORDER

This case comes before the Full Commission on the
claimant's Motion to Withdraw his Appeal to the Court of
Appeals. The Full Commission issued a decision on September
19, 2005. The claimant filed an appeal of that decision on
October 20, 2005. The claimant's motion now seeks to
withdraw his appeal to the Court of Appeals. The respondent
has agreed to this dismissal.

After duly considering the claimant's motion and all other matters properly before the Commission, we find that claimant's Motion to Dismiss his Appeal to the Court of Appeals should be granted. 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. See also, In Re Arkansas Rules of Appellate Procedure 3(b), 296 Ark. 580, 756 S.W.2d LXXV (1988). In the present case, the claimant and the respondent have jointly stipulated to withdraw the claimant's appeal. Therefore, we find that the claimant's motion to withdraw the appeal must be and hereby is granted.

_____ IT IS SO ORDERED.

OLAN W. REEVES, Chairman

SHELBY W. TURNER, Commissioner

KAREN H. MCKINNEY, Commissioner

Brister - E607106

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