

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

IN THE MATTER OF

FILE NO. UE-2005-03-05

CMSWASTEAR, LIMITED PARTNERSHIP

AND

CMSMNGT, INC., D/B/A/ COMMODORE MEDICAL SERVICES

ORDER FILED NOVEMBER 21, 2005

Presently before the Commission is Respondent/Employer's Motion to Dismiss its Appeal and Motion to Remand. After consideration of Respondent's Motion as well as all other matters properly before the Commission, we find that the Respondent's Motions should be and hereby are granted.

A hearing was held on June 15, 2005, on the issue of respondent's failure to secure payment of compensation as required by Sub-Chapter 4 of the Arkansas Workers' Compensation Act, A.C.A. § 11-9-401 et seq. An Opinion and Order was issued by the Administrative Law Judge on September 16, 2005, finding that respondent has been in violation of the law and assessing respondent with a \$7,500.00 penalty. Respondent filed a timely notice of appeal. Subsequent to the notice of appeal, an agreement was reached between the Arkansas Workers' Compensation

Compliance Division and respondents wherein the respondents would be permitted to pay the fine in installments.

Respondent now moves for the dismissal of its appeal and for remand of this claim to the Administrative Law Judge for approval of this installment agreement. We find that the respondents have established good cause for dismissal of its appeal and that this matter should be and hereby is remanded to the Administrative Law Judge for approval of the installment agreement.

IT IS SO ORDERED.

OLAN W. REEVES, Chairman

SHELBY W. TURNER, Commissioner

KAREN H. MCKINNEY, Commissioner