

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F104417

NORMAN BATTEN,  
EMPLOYEE

CLAIMANT

FERRELL GAS LP,  
EMPLOYER

RESPONDENT

FIDELITY & GUARANTY INS. CO.,  
INSURANCE CARRIER

RESPONDENT

OPINION FILED FEBRUARY 9, 2005

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

Claimant represented by the HONORABLE KRISTOFER E.  
RICHARDSON, Attorney at Law, Jonesboro, Arkansas.

Respondents represented by the HONORABLE MELISSA ROSS,  
Attorney at Law, Little Rock, Arkansas.

ORDER

\_\_\_\_\_This matter is currently before the Full Commission on  
respondents' Motion to Dismiss its notice of appeal to the  
Arkansas Court of Appeals.

The Full Commission entered an opinion on December 3,  
2004, affirming and adopting the decision of the  
Administrative Law Judge awarding benefits to the claimant.  
Respondents filed a timely notice of appeal from that  
opinion. The record, however was not filed with the Court

of Appeals. Respondents now request that its notice of appeal be dismissed. Claimant has no objection.

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 respondent have now jointly stipulated to dismiss the appeal. Because the Commission still retains jurisdiction over this claim, we find that the respondents' Motion to Dismiss its appeal to the Arkansas Court of Appeals is hereby granted.

\_\_\_\_\_IT IS SO ORDERED.

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OLAN W. REEVES, Chairman

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SHELBY W. TURNER, Commissioner

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KAREN H. MCKINNEY, Commissioner