

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F305004

VICTORIA HOLLAND,  
EMPLOYEE

CLAIMANT

BAXTER HEALTHCARE, INC.,  
EMPLOYER

RESPONDENT

AMERICAN MANUFACTURERS MUTUAL,  
INSURANCE CARRIER

RESPONDENT

ORDER FILED NOVEMBER 21, 2005

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

Claimant represented by the HONORABLE FREDERICK "RICK"  
SPENCER, Attorney at Law, Mountain Home, Arkansas.

Respondents represented by the HONORABLE TOM HARPER, JR.,  
Attorney at Law, Fort Smith, Arkansas.

ORDER

This case comes before the Full Commission on the  
claimant's Motion to Withdraw her Appeal to the Court of  
Appeals. The Full Commission issued a decision on September  
1, 2005. The claimant filed an appeal of that decision on  
October 3, 2005. The claimant's motion now seeks to  
withdraw her appeal to the Court of Appeals. The respondent  
has filed a response to the motion, and agrees that the  
appeal should be dismissed.

After duly considering the claimant's motion and all other matters properly before the Commission, we find that claimant's Motion to Dismiss her 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.

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OLAN W. REEVES, Chairman

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SHELBY W. TURNER, Commissioner

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KAREN H. MCKINNEY, Commissioner

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