

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F304712

JEREMY WALTERS, EMPLOYEE	CLAIMANT
U.S. TIMBER, EMPLOYER	RESPONDENT
TRAVELERS INSURANCE CO., CARRIER	RESPONDENT

ORDER FILED SEPTEMBER 8, 2005

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

Claimant represented by HONORABLE R. GUNNER DeLAY, Attorney at Law, Fort Smith, Arkansas.

Respondent represented by HONORABLE ROBERT MONTGOMERY Attorney at Law, Little Rock, Arkansas.

ORDER

Presently before the Commission is claimant's Motion for Citation of Contempt. After consideration of the claimant's motion, we find that the claimant's motion must be and hereby is denied.

In his motion, the claimant contends that after prevailing on appeal before the Arkansas Court of Appeals, he wrote to counsel for respondent demanding payment of the costs awarded by the Court of Appeals, as well as, payment of \$1,000.00 in attorney's fees. Claimant only moves for a citation of contempt for failure to pay the requested

attorney's fees. As we review the Mandate issued by the Court of Appeals we note that the Court of Appeals has not ordered the respondents to pay the claimant attorney's fees for prevailing on appeal. Moreover, we note that we are without jurisdiction to make an award of attorney's fees for prevailing before that court as the determination of the nature, length, and complexity of the services rendered by claimant's attorney before the Court of Appeals can only be made by that Court.

Accordingly, we find that the claimant's motion must be and hereby is denied.

IT IS SO ORDERED.

OLAN W. REEVES, Chairman

SHELBY W. TURNER, Commissioner

KAREN H. MCKINNEY, Commissioner