

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F403429

CHRISTINE HANCOCK, EMPLOYEE	CLAIMANT
STAFFMARK, SELF-INSURED EMPLOYER	RESPONDENT
AMERICAN HOME ASSURANCE, CO.	RESPONDENT

OPINION FILED DECEMBER 8, 2006

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

Claimant is not represented but appears pro se.

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

ORDER

This case comes on for review before the  
Commission on respondent's motion to dismiss claimant's  
appeal to the Arkansas Court of Appeals.

After consideration of respondent's motion,  
claimant's failure to respond thereto and all other matters  
properly before the Commission, we find that respondent's  
motion should be denied.

On July 13, 2006, the Full Commission affirmed and  
adopted an opinion of the Administrative Law Judge.  
Thereafter, claimant filed a notice of appeal to the

Arkansas Court of Appeals. Respondent has now filed a motion to dismiss claimant's appeal as untimely filed, to which claimant has failed to respond.

Pursuant to Ark. R. App. 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 not jointly stipulated to dismiss the appeal. Because the Commission still retains jurisdiction over this claim, we find that the respondents' Motion to Dismiss Claimant's Appeal to the Arkansas Court of Appeals is hereby denied.

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