

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F310364

MELINDA PROCTOR, EMPLOYEE	CLAIMANT
PIGGOTT COMMUNITY HOSPITAL, EMPLOYER	RESPONDENT NO. 1
MUNICIPAL LEAGUE WC TRUST, INSURANCE CARRIER	RESPONDENT NO. 1
DEATH AND PERMANENT TOTAL DISABILITY TRUST FUND	RESPONDENT NO. 2

ORDER FILED JUNE 27, 2006

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

Claimant represented by the HONORABLE JIM R. BURTON,
Attorney at Law, Jonesboro, Arkansas.

Respondents No. 1 represented by the HONORABLE J. CHRIS
BRADLEY, Attorney at Law, North Little Rock, Arkansas.

Respondent No. 2 represented by the HONORABLE JUDY W. RUDD,
Attorney at Law, Little Rock, Arkansas.

ORDER

_____This matter comes on for review before the Commission
on Respondent No. 2's Motion for Reconsideration on a prior
Motion for Expedited Dismissal of Appeal to the Court of
Appeals. The Full Commission rendered a decision on January

23, 2006. Respondent No. 2 filed an appeal with the Court of Appeals on February 17, 2006. At the same time, Respondent No. 2 also lodged the record with the Court of Appeals. However, they did not perfect the appeal by paying the filing fee to the Court of Appeals. Respondent No. 2 filed a motion to dismiss the appeal. The other parties jointly stipulated to dismiss the appeal.

On June 2, 2006, the Commission issued a decision finding that they had no jurisdiction to dismiss the appeal because the record had already been lodged with the Court of Appeals.

Respondent No. 2 now seeks reconsideration of their prior motion to dismiss the appeal. In support of their motion, they submit an affidavit from Leslie Steen, Clerk of the Courts, indicating that while the record was tendered, it has not been filed with the Court of Appeals because the filing fee has not been paid.

After duly considering Respondent No. 2's motion and all other matters properly before the Commission, we grant the motion to dismiss the appeal. 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).

It is apparent that Respondent No. 2 filed a timely appeal and while the notice of appeal has already been filed, the record is not lodged with the Court of Appeals. Accordingly, we grant Respondent No. 2's motion to dismiss the appeal.

_____IT IS SO ORDERED.

OLAN W. REEVES, Chairman

SHELBY W. TURNER, Commissioner

KAREN H. MCKINNEY, Commissioner