

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F108516

JESSIE WATTS, EMPLOYEE	CLAIMANT
CONAGRA POULTRY CO., EMPLOYER	RESPONDENT NO. 1
GALLAGHER BASSETT SERVICES, INSURANCE CARRIER, TPA	RESPONDENT NO. 1
DEATH & PERMANENT TOTAL DISABILITY TRUST FUND,	RESPONDENT NO. 2

OPINION FILED JULY 6, 2006

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

Claimant is not represented by counsel, but appears *pro se*.

Respondent No. 1 represented by the HONORABLE MICHAEL
MAYTON, Attorney at Law, Little Rock, Arkansas.

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

ORDER

This matter comes for review before the Commission
on Respondent No. 2's Motion for Dismissal of Appeal to the
Court of Appeals. The Full Commission rendered a decision on
March 23, 2006. Respondent No. 2 filed an appeal with the
Court of Appeals on April 14, 2006. The record has been
lodged with the Court of Appeals. However, Respondents No. 2
has not yet perfected the appeal by paying the filing fee to

the Court of Appeals. Respondent No. 2 now seeks a dismissal of its appeal. The other parties have jointly stipulated 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. This has been added to the record and blue backed.

After duly considering the 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