

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F500423, F513256, & F513255

LINDA HATCHETT,  
EMPLOYEE

CLAIMANT

TYSON FOODS, INC.,  
SELF-INSURED EMPLOYER

RESPONDENT

OPINION FILED NOVEMBER 13, 2007

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

Claimant appears pro se.

Respondent represented by the HONORABLE M. MELISSA LEE,  
Attorney at Law, Springdale, Arkansas.

ORDER

This matter is currently before the Full Commission on  
Respondent's Motion to Dismiss claimant's notice of appeal  
to the Arkansas Court of Appeals.

The Full Commission entered an opinion on April 10,  
2007, affirming and adopting the decision of the  
Administrative Law Judge denying benefits to the claimant.  
Claimant filed a notice of appeal from that opinion on  
August 30, 2007. The record was filed with the Court of  
Appeals on October 24, 2007. Respondent now requests that

claimant's notice of appeal be dismissed. Claimant has not responded.

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 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 respondent have not jointly stipulated to dismiss the appeal. Because the Commission does not retain jurisdiction over this claim, we find that the respondent's 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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KAREN H. MCKINNEY, Commissioner

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PHILIP A. HOOD, Commissioner