

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F509125

JUAN A. HERNANDEZ, EMPLOYEE	CLAIMANT
ROADRUNNER CONSTRUCTION, INC., EMPLOYER	RESPONDENT
COMMERCE & INDUSTRY INSURANCE CO. C/O AIG CLAIM SERVICES, TPA	RESPONDENT

OPINION FILED JUNE 28, 2007

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

Claimant represented by the HONORABLE EVELYN BROOKS, Attorney at Law, Fayetteville, Arkansas.

Respondents represented by the HONORABLE CAROL L. WORLEY, Attorney at Law, Little Rock, 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 January 19, 2007, affirming and adopting the decision of the Administrative Law Judge denying the claimant benefits. Claimant filed a timely notice of appeal from that opinion. The record, however was not filed with the Court of Appeals. Respondent now requests that Claimant's notice of appeal be dismissed. Claimant has no objection.

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). In the present case, the claimant and the respondent have now 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 granted.

\_\_\_\_\_ IT IS SO ORDERED.

\_\_\_\_\_  
OLAN W. REEVES, Chairman

\_\_\_\_\_  
KAREN H. MCKINNEY, Commissioner

\_\_\_\_\_  
PHILIP A. HOOD, Commissioner