

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F102735

MICHAEL MALDONADO,  
EMPLOYEE

CLAIMANT

E.C. ROWLETT CONSTRUCTION CO.,  
EMPLOYER

RESPONDENT #1

CONTINENTAL CASUALTY INS. CO.,  
INSURANCE CARRIER

RESPONDENT #1

DEATH AND TOTAL DISABILITY TRUST FUND,

RESPONDENT #2

OPINION FILED AUGUST 29, 2007

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

Claimant represented by the HONORABLE M. KEITH WREN,  
Attorney at Law, Little Rock, Arkansas.

Respondent #1 represented by the HONORABLE FRANK B.  
NEWELL, Attorney at Law, Little Rock, Arkansas.

Respondent #2 represented by the HONORABLE JUDY RUDD,  
Attorney at Law, Little Rock, Arkansas.

ORDER

\_\_\_\_\_ This matter is currently before the Full  
Commission on Respondent #1's Motion to Dismiss its  
notice of appeal to the Arkansas Court of Appeals.

The Full Commission entered an opinion on June  
5, 2007, affirming and adopting the decision of the  
Administrative Law Judge awarding benefits to the  
Claimant. Respondent #1 filed a timely notice of appeal

from that opinion. The record, however was not filed with the Court of Appeals. Respondent #1 now request that its notice of appeal be dismissed. Claimant and Respondent #2 have 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 jointly stipulate that the case is to be dismissed. In Re Arkansas Rules of Appellate Procedure 3(b). In the present case, the Claimant, Respondent #1, and Respondent #2 have now jointly stipulated to dismiss the appeal. Because the Commission still retains jurisdiction over this claim, we find that Respondent #1's Motion to Dismiss its appeal to the Arkansas Court of Appeals is hereby granted.

\_\_\_\_\_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