

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F402542

DEBBIE A. ROGERS, EMPLOYEE	CLAIMANT
WAL-MART STORES, INC., SELF-INSURED EMPLOYER	RESPONDENT
CLAIMS MANAGEMENT, INC.,	RESPONDENT

OPINION FILED JANUARY 19, 2007

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

Claimant represented by the HONORABLE JOHN BARTTELT,  
Attorney at Law, Jonesboro, Arkansas.

Respondents represented by the HONORABLE SUSAN FOWLER,  
Attorney at Law, Little Rock, Arkansas.

ORDER

Presently before the Commission is respondent's  
Motion to Dismiss Appeal to the Arkansas Court of Appeals.  
After consideration of respondent's motion, claimant's  
response thereto, and all other matters properly before the  
Commission, we find that respondent's motion should be  
granted.

On December 18, 2006, the respondent filed a Notice of Appeal from the Full Commission opinion filed May November 17, 2006. The respondent now seeks to withdraw his appeal to the Court of Appeals. The claimant has agreed to this dismissal.

After duly considering the respondent's motion and all other matters properly before the Commission, we find that respondent's Motion to Dismiss his Appeal to the Court of Appeals should be granted.

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. See also, *In Re Arkansas Rules of Appellate Procedure 3(b)*, 296 Ark. 580, 756 S.W.2d LXXV (1988).

In the present case, the respondent filed a timely appeal, both parties have stipulated to dismiss the appeal, and the record has not yet been lodged with the Court of Appeals. Therefore, we find that the respondent's motion to withdraw the appeal must be and hereby is 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