

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. E609015

CATHY WRIGHT, EMPLOYEE	CLAIMANT
McMILLAN, TURNER, McCORKLE & CURRY, EMPLOYER	RESPONDENT NO. 1
EMPLOYERS MUTUAL CASUALTY COMPANY, INSURANCE CARRIER	RESPONDENT NO. 1
DEATH & PERMANENT TOTAL DISABILITY TRUST FUND	RESPONDENT NO. 2
SECOND INJURY FUND	RESPONDENT NO. 3

OPINION FILED JULY 28, 2008

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

Claimant represented by the HONORABLE GARY DAVIS, Attorney
at Law, Little Rock, Arkansas.

Respondents No. 1 represented by the HONORABLE CAROL LOCKARD
WORLEY, Attorney at Law, Little Rock, Arkansas.

Respondent No. 2 represented by the HONORABLE CHRISTY KING,
Attorney at Law, Little Rock, Arkansas.

Respondent No. 3 represented by the HONORABLE DAVID B.
SIMMONS, Attorney at Law, Little Rock, Arkansas.

ORDER

Presently before the Full Commission is the Motion to
Dismiss filed by the Second Injury Fund, Respondent No. 3.
The Employer, McMillan, Turner, McCorkle, and Curry,

Respondents No. 1 filed a joinder for Respondent No. 3. They have now stated that there is no Second Injury Fund liability and agree Respondent No. 3 can be dismissed. Respondent No. 2, Death and Permanent Total Disability Trust Fund also does not object. There has been no response from the claimant.

Claimant filed his notice of appeal of our order entered in January, 2008. The record was filed for the appeal with the appellate court in February, 2008. We do not have jurisdiction to grant this motion.

After consideration of Respondent No. 3's motion to be dismissed from the case, even without objection from Respondents No. 1, and Respondent No. 2 and consideration of all other matters properly before the Full Commission, we find the motion to dismiss Respondent No. 3 should be and hereby is denied

IT IS SO ORDERED.

OLAN W. REEVES, Chairman

KAREN H. MCKINNEY, Commissioner

PHILIP A. HOOD, Commissioner