

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F606428

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| DAVID S. BODINE, EMPLOYEE         | CLAIMANT   |
| BALDOR ELECTRIC COMPANY, EMPLOYER | RESPONDENT |
| SPECIALTY RISK SERVICES, CARRIER  | RESPONDENT |

**ORDER FILED APRIL 16, 2009**

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

Claimant is not represented by counsel, but appears *pro se*.

Respondent represented by HONORABLE TOM HARPER, JR., Attorney at Law, Fort Smith, Arkansas.

ORDER

This matter is currently before the Full Commission on the respondent's Motion to Dismiss the claimant's appeal to the Arkansas Court of Appeals. After considering the respondent's Motion, the claimant's response thereto and all other matters properly before the Commission, we find that we do not have the authority to dismiss the appeal.

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), 296 Ark. 580, 756 S.W.2d LXXV (1988).

In the present case, the claimant and respondent have not jointly stipulated to dismiss the appeal. The claimant has filed an objection to the respondent's motion stating that he tried to lodge the record but he was unable to pay the filing fee. Because the Commission is without jurisdiction over this claim, we have no authority to grant the respondent's motion. Therefore, we find that the motion must be and hereby is denied. The respondent's motion must be addressed with the Court of Appeals.

IT IS SO ORDERED.

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A. WATSON BELL, Chairman

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KAREN H. MCKINNEY, Commissioner

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PHILIP A. HOOD, Commissioner