

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F605888

LEO HOWELL, EMPLOYEE	CLAIMANT
CONTINENTAL EXPRESS, INC., EMPLOYER	RESPONDENT NO. 1
GIBRALTAR NATIONAL INS. CO., CARRIER	RESPONDENT NO. 1
SECOND INJURY FUND	RESPONDENT NO. 2

ORDER FILED OCTOBER 28, 2009

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

Claimant represented by the HONORABLE H. OSCAR HIRBY,
Attorney at Law, Little Rock, Arkansas.

Respondent No. 1 represented by the HONORABLE MELISSA WOOD,
Attorney at Law, Little Rock, Arkansas.

Respondent No. 2 represented by the HONORABLE DAVID PAKE,
Attorney at Law, Little Rock, Arkansas.

ORDER

After duly considering the respondent No. 1's motion and all other matters properly before the Commission, Respondents' Motion to Dismiss Appeal 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 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 (1998).

In the present case, all parties jointly stipulated to dismiss the appeal. The record has not been lodged with the Court of Appeals. Therefore, the Commission continues to have jurisdiction over this claim.

Accordingly, we find that the respondents' Motion to Dismiss Appeal should be, and hereby is, granted.

IT IS SO ORDERED.

A. WATSON BELL, Chairman

KAREN H. MCKINNEY, Commissioner

PHILIP A. HOOD, Commissioner