

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F513705

YERI GARCIA (DEC'D), EMPLOYEE	CLAIMANT
COAST TO COAST CARPORTS, INC., EMPLOYER	RESPONDENT NO. 1
AMERICAN HOME ASSURANCE CO., INSURANCE CARRIER	RESPONDENT NO. 1
DEATH & PERMANENT TOTAL DISABILITY TRUST FUND	RESPONDENT NO. 2

OPINION FILED MAY 12, 2009

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

Claimant represented by the HONORABLE KENNETH A. OLSEN,
Attorney at Law, Little Rock, Arkansas.

Respondents No. 1 represented by the HONORABLE FRANK NEWELL,
Attorney at Law, Little Rock, Arkansas.

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

ORDER

Comes on for consideration to the Full Commission the
motion of Respondent No. 1 Coast to Coast Carports filed
April 25, 2009 and the motion of Respondent No. 2 Death and
Permanent Total Disability Trust Fund filed April 6, 2009 to
dismiss their respective appeals to the Arkansas Court of
Appeals.

From the motions, lack of response thereto on behalf of the claimant, and other matters of law and fact known and made know to the Full Commission, the Full Commission does find as follows:

1. This Commission issued an Opinion on February 25, 2009, in which opinion the Full Commission decided certain issues of law and fact.
2. Respondent No. 2 filed with the Full Commission in a timely manner, a Motion for Reconsideration. The record in this case has not yet been lodged with the Court of Appeals and the Full Commission retains jurisdiction to enter orders. See Green v. Hardie Gypsum, Inc. Claim No. E815108 (Opinion filed June 20, 2006).
3. On March 30, 2009, Respondents No. 1 filed a Notice of Appeal to the Arkansas Court of Appeals from the Full Commission's February 25, 2009 decision. On March 23, 2009, Respondent No. 2 filed a Notice of Appeal to the Arkansas Court of Appeals from the Full Commission February 25, 2009 decision.
4. The Full Commission entered its original opinion ordering this matter on February 25, 2009 and

subsequently the Full Commission entered an opinion and order vacating the previous order on March 30, 2009.

5. The Notices of Appeal from Respondent No. 1, Coast to Coast Carports and from Respondent No. 2, Death and Permanent Total Disability Trust Fund should be and hereby are dismissed and the appeals to the Arkansas Court of Appeals on behalf of Respondent No. 1 and Respondent No. 2 are hereby dismissed.
6. Claimant filed a timely Notice of Appeal or Cross-Appeal on April 13, 2009 appealing from the Opinion and Order of the Commission filed March 30, 2009.

IT IS SO ORDERED.

A. WATSON BELL, Chairman

KAREN H. MCKINNEY, Commissioner

PHILIP A. HOOD, Commissioner