

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F602358

SHELIA SMITH, EMPLOYEE	CLAIMANT
KOHLER COMPANY, EMPLOYER	RESPONDENT
CRAWFORD & COMPANY, THIRD PARTY ADMINISTRATOR	RESPONDENT

ORDER FILED AUGUST 18, 2009

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

Claimant represented by the HONORABLE THOMAS W. MICKEL, Attorney at Law, Conway, Arkansas.

Respondent represented by HONORABLE JARROD S. PARRISH, Attorney at Law, Little Rock, Arkansas.

ORDER

This matter is presently before the Commission is a Joint Motion to Remand filed on behalf of both parties by counsel for respondent. The Full Commission issued an Opinion and Order on June 8, 2009, from which respondents filed a notice of appeal with the Arkansas Court of Appeals. After duly considering the joint motion and all other matters properly before the Commission, we find that the Joint Motion to Remand is also a Motion to Dismiss Appeal to the Court of Appeals. We have authority to dismiss the appeal. Pursuant to Ark. R. App. P. Rule 3(b), this Commission may 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 appeal 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 record has not been lodged with the Court of Appeals and the claimant and respondent have jointly stipulated to dismiss the appeal. The Full Commission therefore grants the Joint Motion to Dismiss this Appeal to the Court of Appeals.

We further find that the parties have reached an amicable settlement, and that this claim must be remanded to the Administrative Law Judge to hold a Joint Petition Hearing to determine whether the Joint Petition Settlement is in the claimant's best interest.

IT IS SO ORDERED.

A. WATSON BELL, Chairman

KAREN H. MCKINNEY, Commissioner

PHILIP A. HOOD, Commissioner