

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F904606

JOE CANTRELL, EMPLOYEE	CLAIMANT
TEMPLE INLAND, INC., EMPLOYER	RESPONDENT
INSURANCE COMPANY - STATE OF PENNSYLVANIA, CARRIER	RESPONDENT

ORDER FILED JULY 30, 2010

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

Claimant represented by THEODOR STRICKER, Attorney at Law, Jonesboro, Arkansas.

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

ORDER

After duly considering the respondent's motion to Dismiss Appeal, claimant's response thereto, and all other matters properly before the Commission, we find that we do not have 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. 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 motions 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