

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. H302799

GISELA GUTIERREZ, EMPLOYEE	CLAIMANT
TYSON POULTRY, INC., EMPLOYER	RESPONDENT
TYNET CORPORATION, INSURANCE CARRIER/TPA	RESPONDENT

OPINION FILED JUNE 21, 2024

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

Claimant represented by the HONORABLE EVELYN E. BROOKS, Attorney at Law, Fayetteville, Arkansas.

Respondents represented by the HONORABLE JEREMY SWEARINGEN, Attorney at Law, Little Rock, Arkansas.

ORDER

The parties have filed a **JOINT MOTION TO STAY APPEAL AND REMAND FOR CONSIDERATION OF JOINT PETITION FOR FINAL SETTLEMENT**. The Full Commission denies the motion.

An administrative law judge filed an opinion on December 19, 2023 and found that the claimant failed to prove she sustained a compensable injury. The claimant appealed to the Full Commission. In an opinion filed May 31, 2024, a majority of the Full Commission found that the claimant proved she sustained a compensable injury. The Full Commission awarded reasonably necessary medical treatment, a period of temporary total

disability benefits, and fees for legal services. The respondents to date have not filed a notice of appeal.

A joint petition eliminates the Commission's jurisdiction over a claim. Ark. Code Ann. §11-9-805(b)(2)(Supp. 2023); *Sayre v. State*, 12 Ark. App. 238, 674 S.W.2d 941 (1984). The parties request in the present matter "that the Claimant's pending appeal to the Full Commission in this claim be stayed, and that this claim be remanded to the Commission Clerk for referral to an Administrative Law Judge for consideration of a Joint Petition."

However, the Full Commission has already filed an opinion in this matter on May 31, 2024, following the claimant's timely appeal, and we have awarded benefits to the claimant. The Full Commission therefore denies the motion to "stay appeal."

IT IS SO ORDERED.

SCOTTY DALE DOUTHIT, Chairman

M. SCOTT WILLHITE, Commissioner

MICHAEL R. MAYTON, Commissioner