

**ARKANSAS COURT OF APPEALS
NOT DESIGNATED FOR PUBLICATION
PER CURIAM OPINION**

CA 08-501

JAMIE M. HICKS, ET AL.
APPELLANTS

June 4, 2008

V.

DEATH AND PERMANENT TOTAL
DISABILITY TRUST FUND
CROSS-APPELLANT/APPELLEE

APPEAL FROM THE ARKANSAS
WORKERS' COMPENSATION
COMMISSION, [NO. F208714]

AND

DUSTIN DEWAYNE BATES, ET AL.
APPELLEES

MOTION TO STAY AND APPROVE
APPEAL BOND GRANTED

Appellants Jamie M. Hicks and Caroline Hicks are the widow and surviving daughter of Jerry Hicks, who was killed in a work-related accident. Appellants are appealing the orders issued by the Workers' Compensation Commission determining that appellee Dustin Dewayne Bates was a dependent minor child of Jerry Hicks entitled to death benefits in the amount of \$98.08 a week, and reducing in like amount the weekly benefits payable to appellants in order to pay the death benefit to Dustin Dewayne Bates. In conjunction with the appeal, appellants have filed with this court a motion for a stay pending the appeal and for the approval of a supersedeas bond in the amount of \$7,650.24, which was calculated by multiplying the \$98.08 weekly benefit payable to Dustin Dewayne Bates under the Commission's order by seventy eight weeks (eighteen months), the period estimated for the final disposition of the appeal. Appellee Dustin Dewayne Bates has filed a response stating that he has no objection to the motion.

Arkansas Code Annotated section 11-9-711(c)(2) (Supp. 2007) provides that the Commission

may require a bond from either party, if it deems necessary, in cases appealed to this court. Once the record has been lodged in this court, our jurisdiction attaches and we may direct that the order appealed from be stayed pending a final determination on appeal, upon the filing of a supersedeas bond that meets our approval and the requirements of Ark. R. App. P. - Civil 8(c). *McCluskey v. Kerlen*, 4 Ark. App. 334, 631 S.W.2d 18 (1982).

We grant the motion and approve the proposed irrevocable letter of credit as the security for the bond. The clerk of this court is therefore directed to issue a stay order pursuant to Rule 8(b), upon the filing of a bond and the original letter of credit in the amount of \$7,650.24, conditioned as provided in Rule 8(c).

It is so ordered.