

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F406135

|                                 |            |
|---------------------------------|------------|
| NANCY RHODES                    | CLAIMANT   |
| EMERSON ELECTRIC                | RESPONDENT |
| SEDGWICK CLAIMS MANAGEMENT, TPA | RESPONDENT |

OPINION FILED FEBRUARY 14, 2006

Hearing before ADMINISTRATIVE LAW JUDGE MICHAEL L. ELLIG in Fort Smith, Sebastian County, Arkansas.

Claimant not represented by counsel.

Respondents represented by LES EVITTS, III, Attorney, Fort Smith, Arkansas.

STATEMENT OF THE CASE

A hearing was held in the above styled claim on February 14, 2006, in Fort Smith, Arkansas. This hearing was held on the Respondent's Motion to Dismiss, in the present claim.

At the hearing the claimant appeared and objected to the dismissal of her claim. The claimant testified under oath that she had attempted to obtain the services of two attorneys to pursue her claim and that one of these attorneys withdrew and the other declined to take her case. She also stated that although she will continue to attempt to obtain legal counsel that she will, if necessary, proceed pro se.

After consideration of the respondent's Motion, statements of respondent's counsel, statements of the claimant, and the documents contained in the Commission's file, I find that the claimant has made a good faith and diligent effort to pursue her claim. Therefore, I find that the respondent's Motion should be denied. This case is set for prehearing conference by telephone for 4:15

F406135-Rhodes

2

p.m. on February 28, 2006.

IT IS SO ORDERED.

---

MICHAEL L. ELLIG  
Administrative Law Judge