

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F106883

JAMES ROY HENSON, EMPLOYEE	CLAIMANT
GENERAL ELECTRIC, EMPLOYER	RESPONDENT NO. 1
SEDGWICK CMSI, INSURANCE CARRIER/TPA	RESPONDENT NO. 1
SECOND INJURY FUND	RESPONDENT NO. 2

ORDER FILED SEPTEMBER 13, 2005

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

Claimant represented by the HONORABLE PHILLIP WELLS, Attorney at Law, Jonesboro, Arkansas.

Respondent No. 1 represented by the HONORABLE MARK MAYFIELD, Attorney at Law, Jonesboro, Arkansas.

Respondent No. 2 represented by the HONORABLE DAVID PAKE, Attorney at Law, Little Rock, Arkansas.

ORDER

This case comes on for review before the Commission on Respondent No. 2's motion to strike the alleged error in Claimant's Notice of Appeal.

In its motion, Respondent No. 2 argues that Claimant's Notice of Appeal alleges that the Administrative Law Judge erred in not awarding an attorney's fee on the 35% wage loss accepted by the Second Injury Fund, and that the allegation was not raised in the

Prehearing Questionnaire, nor at the beginning of the hearing.

After our consideration of Respondent No. 2's motion, Claimant's response thereto and all other matters properly before the Commission, we find that Respondent No. 2's motion should be denied.

Notwithstanding our denial of Respondent No. 2's motion, we want to assure the parties that we will not consider any improperly raised issues during our de novo review of the record.

Accordingly, we find that Respondent No. 2's motion to strike portions of Claimant's appeal should be, and hereby is, denied.

IT IS SO ORDERED.

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OLAN W. REEVES, Chairman

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SHELBY W. TURNER, Commissioner

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KAREN H. MCKINNEY, Commissioner