

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F310541

BARBARA REEVES, EMPLOYEE	CLAIMANT
TRANSAMERICA LIFE INS. CO., EMPLOYER	RESPONDENT NO. 1
PACIFIC EMPLOYERS INSURANCE CO, INS. CARRIER	RESPONDENT NO. 1

OPINION FILED JULY 18, 2005

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

Claimant represented by HONORABLE GARY DAVIS, Attorney at Law, Little Rock, Arkansas.

Respondent No. 1 represented by HONORABLE CAROL WORLEY, Attorney at Law, Little Rock, Arkansas.

OPINION AND ORDER

This matter comes on for review before the Full Commission on the claimant's response to the Order issued by the Full Commission on June 22, 2005. The claimant's response is an objection to the Full Commission's Order issued on June 22, 2005, in which the Commission granted Gary Davis' request to withdraw as counsel. We find that the Commission, due to clerical error, issued the June 22, 2005 Order prematurely. Accordingly, we find that decision should be vacated, but also, in this decision, grant Gary Davis' request to withdraw as counsel.

On June 3, 2005, the Commission issued a decision which affirmed a prior decision from an Administrative Law Judge and denied the claimant wage loss benefits. On June 15, 2005 the Commission received a Motion from the claimant's attorney, Gary Davis, requesting that he be allowed to withdraw as claimant's counsel. On June 15, 2005, the Commission mailed all interested parties a letter indicating that they would have 10 days to file a response to Davis' Motion. On June 20, 2005, the Commission received a letter from the claimant, in which she objected to Davis' Motion. On June 22, 2005, the Commission issued a decision granting Davis' Motion; however, that was prior to the lapse of the 10 days specified in the June 15, 2005 letter. As such, the decision was issued prematurely. Accordingly, we are vacating that decision and issuing a new decision.

On June 28, 2005, in response to the claimant's request for an appeal, the Commission sent the claimant a letter indicating the record is being compiled and providing instructions on how to lodge the record with the Court of Appeals. Since the record has not yet been docketed with the Court of Appeals, we find the Full Commission has jurisdiction over the matter.

Commission Advisory 2003-2 provides,

A lawyer may not withdraw from any proceeding or from representation of any party to a claim without permission of the Commission. Permission to withdraw may be granted for good cause shown if counsel seeking permission presents a proper request in writing to the Commission showing (a) that reasonable steps have been taken to avoid foreseeable prejudice to the rights of his/her client, including giving notice to his/her client, allowing time for employment of other counsel; and (b) that the attorney has delivered or stands ready to tender to the client all papers and property to which the client is entitled

We find that Davis has complied with all the provisions of Advisory 2003-2, and despite the claimant's objections to the Motion, we find that Davis' Motion should be granted.

IT IS SO ORDERED.

OLAN W. REEVES, Chairman

SHELBY W. TURNER, Commissioner

KAREN H. MCKINNEY, Commissioner