

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F701987

JIMMY W. HALBROOK, EMPLOYEE

CLAIMANT

BARRY, JAMES & JOHN MOSLEY
d/b/a ARKANSAS WHOLESALE AUTO
SALVAGE, UNINSURED EMPLOYER

RESPONDENT

ORDER FILED JUNE 8, 2010

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

Claimant represented by HONORABLE R. DAVID LEWIS, Attorney at Law, Little Rock, Arkansas.

Respondent appeared pro se.

ORDER

This matter is currently before the Commission on Respondent's pro se motion to Set Aside Order. After consideration of respondent's motion, claimant's response thereto and all other matters properly before this Commission, we find that respondent's motion to Set Aside Order must be, and hereby is, denied.

Respondent alleges that claimant committed fraud in presenting his previous motion which resulted in the Order respondent now seeks to set aside asserting that claimant did not give respondent notice of said motion. Our review of the previous motion clearly indicates that claimant included respondent's bankruptcy attorney, as well as, respondents

themselves in the Certificate of Service for his motion. Accordingly, we find that respondent received notice of the motion before the Commission. Respondent further contends that by failing to receive notice of the Motion they were deprived the right to present evidence that respondent has paid on the previous award. Since respondent received notice, we find that respondent was not deprived the right to contest the motion. Moreover, our Order which respondent now seeks to set aside was merely a plain statement of the award in dollar amounts from our previous Opinion and Order filed October 9, 2009, wherein we Affirmed and Adopted the June 10, 2008, Administrative Law Judge Opinion, including the calculation of attorneys' fees previously awarded. Accordingly, we find that a response from respondent was not necessary, nor was respondent harmed.

Therefore, for those reasons set forth herein, we find that respondent's motion to Set Aside Order is denied.

IT IS SO ORDERED.

A. WATSON BELL, Chairman

KAREN H. MCKINNEY, Commissioner

PHILIP A. HOOD, Commissioner