

August 8, 2008

VIA FACSIMILE AND
FIRST CLASS MAIL

LETTER DECISION AND ORDER

Wm. Jason Groves
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Richard L. Russman
Richardson Wyly Wise Sauck & Hieb, LLP
PO Box 1030
Aberdeen, SD 57402-1030

RE: HF No. 28, 2006/07 – Mark Clarke v. The Car Connection and Auto-Owners Insurance

Dear Mr. Groves and Mr. Russman:

The Department is in receipt of Employer and Insurer's Motion to Compel Claimant to Submit to Interview by Expert and Claimant's response thereto. Claimant notified Employer and Insurer that he would not submit himself to an interview by William Tysdal, Vocational Rehabilitation Specialist. Employer and Insurer have asked that the Department either to order Claimant to submit to an interview with Mr. Tysdal or to "refuse to consider any cross-examination of William Tysdal related to the issue of Mr. Tysdal's inability to interview the Claimant in an effort to impeach the testimony of Mr. Tysdal." The Department will not order Claimant to submit to an interview by William Tysdal. The Department will give the appropriate weight to Mr. Tysdal's opinions, taking into consideration the information reasonably available to him.

This letter shall constitute the Department's Order.

Sincerely,

Heather E. Covey
Administrative Law Judge