

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. H105817

MARY M. GOODRICH, EMPLOYEE

CLAIMANT

PATHFINDER, INC., EMPLOYER

RESPONDENT

**ATA WORKERS COMPENSATION TRUST,
RISK MANAGEMENT RESOURCES, TPA,
INSURANCE CARRIER**

RESPONDENT

OPINION FILED APRIL 26, 2022

Hearing before Administrative Law Judge James D. Kennedy in Little Rock, Pulaski County, Arkansas, on March 22, 2022.

Claimant appeared and was *Pro Se*.

Respondents are represented by Carol Lockard Worley, Attorney-at-Law, Little Rock, Arkansas.

STATEMENT OF THE CASE

A hearing was held in the above-styled matter on March 22, 2022, in Little Rock, Arkansas, on respondent's Motion to Dismiss for failure to prosecute pursuant to Ark. Code Ann. §11-9-702(d), and Rule 099.13 of the Arkansas Workers' Compensation Act. The claim had been denied in its entirety for an injury that allegedly occurred on or about February 17, 2021. More than six (6) months had passed since the filing of the Form AR-C. The respondents provided they had attempted to schedule a deposition three (3) times and been unable to obtain any movement from the claimant on the claim. A deposition had been scheduled by the respondents on December 3, 2021, and the claimant failed to appear. This failure to appear led to the Motion to Dismiss being filed by the respondents on January 20, 2022.

A hearing was set for March 22, 2022, in regard to the Motion to Dismiss. The claimant appeared *pro se* at the time of the hearing and stated she injured herself while working as a

full-time employee with clients with disabilities and she accidentally injured herself. At the time of the hearing, Carol Lockard Worley appeared on behalf of the respondents.

After hearing the statements by the claimant and the respondent's attorney, the claimant was instructed that the matter would be taken under advisement for thirty (30) days, and if the respondent was able to get a deposition set up during that time, the claimant was required to be present.

On April 21, 2022, the respondents notified the Commission that the claimant had presented for a deposition, and respondents requested that deadlines be set for the matter to proceed.

After a review of the record as a whole, to include all evidence properly before the Commission, and having had an opportunity to hear the statements of the respondent's attorney and the claimant, there is no alternative but to find that the Motion to Dismiss should be denied at this time, and the matter should be set for a hearing as promptly as possible.

ORDER

Pursuant to the above, there is no alternative but to find that the Motion to Dismiss should be denied at this time and the matter should proceed to a hearing in regard to the issues in a timely manner.

IT IS SO ORDERED:

JAMES D. KENNEDY
ADMINISTRATIVE LAW JUDGE