

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

WCC NO. H203656

ANNA JOHNSON, Employee

CLAIMANT

FAYETTEVILLE HOUSING AUTHORITY, Employer

RESPONDENT

ARKANSAS MUNICIPAL LEAGUE, Carrier/TPA

RESPONDENT

OPINION FILED FEBRUARY 14, 2023

Hearing before ADMINISTRATIVE LAW JUDGE ERIC PAUL WELLS in Fort Smith, Sebastian County, Arkansas.

Claimant not represented by counsel and not appearing at hearing.

Respondent represented by, KAREN H. MCKINNEY, Attorney at Law, Little Rock, Arkansas.

STATEMENT OF THE CASE

This case comes on for review following a hearing on respondents' Motion to Dismiss.

On May 17, 2022, the claimant's previous attorney, Wesley Cottrell, filed an AR-C requesting various compensation benefits, alleging injuries to her right knee on or about April 7, 2022. The claim was controverted in its entirety. The matter was set for a prehearing telephone conference. However, before the prehearing conference could take place, on July 20, 2022, Mr. Cottrell filed a Motion to Withdraw and on July 26, 2022, I entered an Order allowing him to withdraw as claimant's counsel. No further action was taken on this claim.

On November 28, 2022, the respondents filed a Motion to Dismiss requesting that this claim be dismissed for lack of prosecution. A hearing was scheduled for January 24, 2023. Notice of that hearing was sent to the claimant by certified mail, return receipt requested on December 2, 2022. United States Postal Department records indicate that claimant received and

signed for the notice on December 10, 2022. Despite having received notice of the hearing, the claimant did not appear at the hearing, nor did she contact the Commission in any manner.

After a review of the respondents' Motion to Dismiss, the claimant's lack of response thereto, and her failure to appear at the scheduled hearing, as well as all other matters properly before the Commission, I find that the respondents' Motion to Dismiss should and hereby is granted pursuant to Commission Rule 099.13. This dismissal is without prejudice.

IT IS SO ORDERED.

ERIC PAUL WELLS
ADMINISTRATIVE LAW JUDGE