

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. H108812

DEBORAH D. JOHNSON, EMPLOYEE	CLAIMANT
LITTLE ROCK SCHOOL DISTRICT, EMPLOYER	RESPONDENT
ARKANSAS SCHOOL BOARDS ASSOCIATION - - WCT, CARRIER/TPA	RESPONDENT

OPINION FILED AUGUST 9, 2022

Hearing before Administrative Law Judge James D. Kennedy in Little Rock, Pulaski County, Arkansas, on August 9, 2022.

Claimant is *Pro Se* and appeared on her own behalf.

Respondents are represented by Ms. Melissa Wood, Attorney-at-Law, of Little Rock, Arkansas.

STATEMENT OF THE CASE

A hearing was held in the above-styled matter on August 9, 2022, in Little Rock, Arkansas, on respondent's Motion to Dismiss for failure to prosecute pursuant to Rule 099.13 of the Arkansas Workers' Compensation Act. The claimant appeared on her own behalf and stated it was her desire to dismiss her claim. She had previously notified the Commission that she no longer wished to pursue her claim.

A first report of injury was filed on November 9, 2021, and the claimant filed a Form AR-C on November 19, 2021, contending that she injured the back of her head and her backside from a slip and fall. The respondents filed a Form AR-2 on December 1, 2021, which provided the claim was a medical only claim. On August 1, 2022, the respondents notified the Commission by letter that they joined the claimant in her request for a dismissal of the claim. The claimant had sent a letter to the Commission, dated July 28, 2022, which provided that the claimant did in fact desire to dismiss her claim.

The respondent's letter of August 1, 2022, was treated as a Motion to Dismiss and the full hearing set for August 9, 2022, was treated as a hearing for the Motion to Dismiss. At the time of the hearing, Melissa Wood appeared on behalf of the respondents and claimant, Deborah Johnson, appeared on her own behalf and both parties asked that the matter be dismissed for lack of prosecution.

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, there is no alternative but to find that the Motion to Dismiss should be granted at this time, and the matter should be dismissed without prejudice.

ORDER

Pursuant to the above, there is no alternative but to find that the Motion to Dismiss should be granted and this matter should be dismissed without prejudice at this time.

IT IS SO ORDERED:

JAMES D. KENNEDY
ADMINISTRATIVE LAW JUDGE