

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION
CLAIM NO. H201669**

CHRISTINA M. POTTS, EMPLOYEE

CLAIMANT

CARE MANOR NURSING AND REHAB, EMPLOYER

RESPONDENT

ASIT/CCMSI, CARRIER/TPA

RESPONDENT

OPINION FILED OCTOBER 25, 2022

Hearing before Administrative Law Judge James D. Kennedy in Mountain Home, Baxter County, Arkansas, on October 19, 2022.

Claimant is *Pro Se* and failed to appear in person.

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

STATEMENT OF THE CASE

A hearing was held in the above styled matter on October 19, 2022, in Mountain Home, Arkansas, on respondents' "Motion to Dismiss" for failure to prosecute pursuant to Ark. Code Ann. § 11-9-702 and Rule 099.13 of the Arkansas Workers' Compensation Act. The record provided the claimant contended she sustained a diagnosis of scabies on or about January 25, 2022, which she contended was work related and which led to additional issues. On February 25, 2022, claimant filed a Form AR-C. The respondents filed an AR-2 on March 11, 2022, denying the claim. The respondents filed a Motion to Dismiss on August 22, 2022, asking for the dismissal of the claim due to the fact that no *bona fide* request for a hearing had been made within six months. At the time of the hearing, the respondents provided that the claimant had not responded to the Motion to Dismiss and had failed to take any action to pursue the claim within the last six months. The claimant failed to appear at the time of the hearing, and further had not appeared fifteen minutes after the scheduled starting time of the hearing.

After proper notice, the hearing on the Motion to Dismiss was set for October 19, 2022, in Mountain Home, Arkansas. Carol Worley appeared on behalf of the respondents, and claimant failed to appear. The claimant had not sought any action in regard to this claim for the last six months.

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 respondents' statements, and after finding that there was proper notice, there is no alternative but to find that the Motion to Dismiss should be granted at this time. The claim should be dismissed without prejudice pursuant to Ark. Code Ann. § 11-9-702 and Rule 099.13 of the Arkansas Workers' Compensation Act.

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