

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

WCC NO. H402583

TIFFANY MASON, Employee	CLAIMANT
CNCJ TRANSPORTATION, INC., Employer	RESPONDENT
PROTECTIVE INS., Carrier	RESPONDENT

OPINION FILED JULY 2, 2025

Hearing before ADMINISTRATIVE LAW JUDGE GREGORY K. STEWART in Fort Smith, Sebastian County, Arkansas.

Claimant represented by MATTHEW J. KETCHAM, Attorney at Law, Fort Smith, Arkansas.

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

STATEMENT OF THE CASE

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

On April 17, 2024, claimant filed Form AR-C alleging an injury to her left shoulder, neck, and back on November 16, 2023. Respondent denied compensability and a prehearing conference conducted at which time a hearing was scheduled on the claimant's claim. Respondent filed discovery requests on the claimant and claimant failed to respond to those discovery requests. As a result, a continuance was granted on claimant's failure to respond to discovery. Claimant has now responded to the discovery requests but has not requested a hearing.

Since more than six months have elapsed without a hearing being requested, respondent filed a Motion to Dismiss on November 1, 2024. A hearing was scheduled on the respondent's Motion to Dismiss for June 16, 2025, and notice of the hearing was sent to claimant by certified mail but returned as "Undeliverable". Claimant did not appear at the hearing.

At the hearing claimant was represented by her attorney, Matthew Ketcham. Mr. Ketcham indicated that claimant wishes to proceed with a hearing on her claim.

Based upon claimant's desire to proceed to a hearing on her claim, the respondent's motion to dismiss this claim should be and hereby is denied. Respondent's request for attorney fees is also hereby denied.

IT IS SO ORDERED.

GREGORY K. STEWART
ADMINISTRATIVE LAW JUDGE