

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

WCC NO. H002608

MELISSA MILLS, Employee

CLAIMANT

MHM SUPPORT SERVICES, Employer

RESPONDENT

MERCY HEALTH, Carrier/TPA

RESPONDENT

OPINION FILED SEPTEMBER 10, 2024

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 RANDY P. MURPHY, 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 October 20, 2022, the claimant filed an AR-C requesting various compensation benefits in which she alleged she contracted COVID on March 27, 2020, arising out of her employment. The claim was controverted in its entirety.

On September 6, 2022, the claimant requested a hearing, and the file was assigned to the Legal Advisor Division for a conference, but a conference was never held due to lack of response by the claimant. No further action was taken.

On May 28, 2024, the respondents filed a Motion to Dismiss requesting that this claim be dismissed for lack of prosecution. A hearing was scheduled for August 15, 2024. Notice of that hearing was sent to the claimant by certified mail, return receipt requested on July 3, 2024. United States Postal Department records indicate that claimant received and signed for the notice

on July 11, 2024. Despite having received notice of the scheduled hearing, the claimant failed to appear at the hearing and has failed to respond to the motion in any form or manner.

After my review of the respondents' Motion to Dismiss, the claimant's lack of response thereto, and all other matters properly before the Commission, I find that respondents' Motion to Dismiss this claim should be and hereby is granted pursuant to Commission Rule 099.13. This dismissal is without prejudice.

ORDER

Pursuant to the above statement of the case and Commission Rule 099.13, I have no alternative but to dismiss this claim in its entirety, without prejudice, for failure to prosecute.

If respondents have not already done so, they are directed to pay the court reporter, Veronica Lane, her fees and expenses within thirty (30) days of receipt of her invoice.

IT IS SO ORDERED.

ERIC PAUL WELLS
ADMINISTRATIVE LAW JUDGE