

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

WCC NO. H201741

MELISSA MILLS, Employee

CLAIMANT

MHM SUPPORT SERVICES, Employer

RESPONDENT

MERCY HEALTH, Carrier/TPA

RESPONDENT

OPINION FILED MAY 20, 2025

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 December 21, 2023, the claimant's attorney, Michael Ellig, filed an AR-C requesting various compensation benefits in which she alleged she contracted COVID with resulting PTSD on or about February 5, 2022. The claim was denied in its entirety.

On September 27, 2024, the respondents filed a Motion to Dismiss requesting this claim be dismissed for lack of prosecution. The claimant objected and on November 5, 2024, Mr. Ellig requested a hearing.

On January 23, 2025, Mr. Ellig withdrew the claimant's request for a hearing and filed a Motion to Withdraw as Counsel, which this administrative law judge granted on March 6, 2025. No further action was taken regarding this claim.

On March 7, 2025, a letter was sent to the claimant regarding the Motion to Dismiss filed by the respondent on September 27, 2024, to which the claimant did not respond. A hearing was scheduled for May 8, 2025. Notice of that hearing was sent to the claimant by certified mail, return receipt requested on April 1, 2025. That certified mail notice was returned to the Commission by the Post Office with a notation “Return to Sender. Not Deliverable as Addressed. Unable to Forward.”

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