

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION
AWCC FILE № H305839**

MARIA D. NOCHEZ, EMPLOYEE	CLAIMANT
RAINES HP WORKFORCE, LLC, EMPLOYER	RESPONDENT
ZENITH INSURANCE COMPANY, CARRIER/TPA	RESPONDENT

OPINION FILED 27 AUGUST 2024

Heard before Arkansas Workers' Compensation Commission (AWCC) Administrative Law Judge JayO. Howe on 7 August 2024 in Little Rock, Arkansas.

The *pro se* claimant appeared with the assistance of a Spanish-English interpreter.

Ledbetter, Cogbill, Arnold, Harrison, LLP, Ms. Erin Rambo, appeared for the respondents.

STATEMENT OF THE CASE

A hearing on the respondents' Motion to Dismiss was held on this matter in Little Rock, Arkansas, on 7 August 2024. This case relates to an alleged workplace injury, sustained on or about 29 August 2023. A Form AR-C was filed on the claimant's behalf on 9 September 2023, and a Form AR-2 was filed by the respondents on 26 September 2023, accepting the claim.

On 25 January 2024, the claimant's counsel filed a Motion to Withdraw, stating that the claimant "has recovered from her injury and there are no apparent issues to be litigated." The Full Commission entered an Order granting that motion on 26 February 2024. On 3 June 2024, the respondents moved for this claim to be dismissed under ACA § 11-9-702(a)(4) and under Rule 13.

The respondents appeared on 7 August 2024, presented their motion, argued that appropriate benefits had been paid and that no hearing had been requested in the preceding six months, and offered supporting evidence into the record. As argued by the

respondents at the hearing, the file reflects no request for a hearing on a claim in the relevant time preceding the filing of their motion.

The claimant appeared with the benefit of a Spanish-English interpreter. She stated that she did not object to the dismissal, as benefits had been paid, and she acknowledged the statement from her former attorney that there were no issues to litigate. She noted, however, that she was unsure of one medical bill she recently received. The parties discussed that bill being provided to the respondent's counsel for resolution if it was in fact related to the accepted claim. I advised that unless I received notice from the claimant that she required a hearing on a matter in controversy, I would grant the dismissal of the claim two weeks after the date of the hearing. My office has received no notice from the claimant regarding the need to conduct a hearing on the medical bill mentioned or any other issue.

Ark. Code Ann. § 11-9-702(a)(4) states that a matter may be dismissed without prejudice after six months without a bona fide request for a hearing. Our Rule 99.13 provides for a dismissal for failure to prosecute an action upon application by either party. Based on the record, the available evidence, and the arguments of the respondents' counsel and the acknowledgements of the claimant, I find that the respondents' Motion to Dismiss should be granted and that the matter should be dismissed without prejudice.

ORDER

The Motion to Dismiss is GRANTED, and this matter is DISMISSED WITHOUT PREJUDICE.

SO ORDERED.

JAYO. HOWE
ADMINISTRATIVE LAW JUDGE