

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION**

**CLAIM NO. H 004744**

**GLORIA BLAYLOCK, EMPLOYEE**

**CLAIMANT**

**PINE BLUFF SCHOOL DISTRICT, EMPLOYER**

**RESPONDENT**

**AR SCHOOL BOARDS ASSOC. WCT, CARRIER/TPA**

**RESPONDENT**

**OPINION FILED FEBRUARY 28, 2023**

**Hearing before Administrative Law Judge JayO. Howe in Pine Bluff, Jefferson County, Arkansas, on February 9, 2023.**

**Claimant is *Pro Se* and did not appear.**

**Respondents are represented by Worley, Wood & Parrish, PA. Mr. Jarrod S. Parrish appeared.**

**STATEMENT OF THE CASE**

A hearing was held in the above styled matter on February 9, 2023, on the respondents' Motion to Dismiss for failure to prosecute pursuant to Arkansas Code Annotated § 11-9-702 of the Arkansas Workers' Compensation (AWCC) Act and AWCC Rule 099.13. The claim involves an injury which allegedly occurred on or about May 14, 2019. Forms AR-1 and AR-2 were filed on July 20, 2022. The claim was listed as medical only.

A Motion to Dismiss was first filed on February 23, 2022, and the claimant filed a response on March 22, 2022, appearing to resist dismissal. Prehearing questionnaire responses were received from the claimant and the respondents on April 11 and April 19, 2022, respectively. Claimant subsequently sought a Change of Physician (COP), which was granted by way of an Order from the Medical Cost Containment Division on June 27, 2022.<sup>1</sup>

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<sup>1</sup> In June of 2022, I was serving as the Administrator of the AWCC's Medical Cost Containment Division (MCCD), and, accordingly, my signature appears on the Order granting the COP. Such Orders are regularly granted pro forma, after being coordinated by MCCD staff. I do not recall any direct discussion or correspondence with the claimant in my

The immediate Motion to Dismiss was filed on December 12, 2022, and a hearing was set for 11:00 am on Thursday, February 9, 2023. Notice of the Motion sent via certified mail and First Class mail to the claimant at the address provided to the Commission by her, which is consistent with the return address on her March 22 and April 11, 2022, filings. A certified copy of the motion notice letter was returned unsigned, as was the January 5, 2023, Notice of Hearing. The First Class letters were not returned.

The claimant failed to appear at the hearing; nor did she provide any proposed exhibits resisting the motion prior to the hearing. Mr. Parrish presented evidence and, consistent with the respondents' Motion, asked that the case be dismissed for the claimant's failure to prosecute her claim, as more than six (6) months had passed without any request for a hearing on an issue ripe for adjudication. Indeed, the record before reflects no such request in the six (6) months prior to the filing of the Motion.

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 statements of the respondent's attorney, there is no alternative but to find that the Motion to Dismiss should be granted at this time, and the matter should be dismissed without prejudice.

**ORDER**

The Motion to Dismiss is hereby be granted, and this matter shall be dismissed without prejudice.

IT IS SO ORDERED.

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JAYO. HOWE  
ADMINISTRATIVE LAW JUDGE

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previous role as the MCCD Administrator and do not feel or find that any conflict exists that would require my recusal from this matter.