

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION
AWCC CLAIM NOS: H002197, H004784 & H004785

EMILY BEBOUT, Employee	CLAIMANT
BAPTIST MEMORIAL HOSPITAL JONESBORO, Self-Insured Employer	RESPONDENT
BRENTWOOD SERVICES ADMINISTRATORS, TPA	RESPONDENT

OPINION AND ORDER FILED JUNE 15, 2021

Hearing conducted before Administrative Law Judge Terry Don Lucy, in Craighead County, Arkansas.

Counsel for the Claimant: *pro se*.

Counsel for the Respondents: Honorable J. Matthew Kirby; Attorney at Law, Memphis, Tennessee.

The above-captioned matter came on for a hearing on June 11, 2021, with respect to the Respondents' Motion to Dismiss filed with the Commission in respect to each of the above-captioned matters on March 20, 2021. When the hall was sounded at the appointed time for the hearing, the Claimant was not present for such, nor did she appear during the ensuing proceedings. The Commission's files in these matters, inclusive of the Respondent's Motion along with its accompanying Certificate of Service reflecting the Claimant's last known address (noted below), is deemed incorporated by reference into the record and for purposes of this Opinion and Order.

The Commission's file reflects that notice of the Respondents' Motion was sent to the Claimant via certified and first-class mail from the Commission dated April 14, 2021, to her last known address of 220 East Lake Street, Paragould, AR, 72450, and that notice of the hearing was likewise sent to the Claimant (twice) via certified and first-class mail from the Commission dated May 10, 2021, to the same last known address. The Commission's file does not reflect any returned mail sent to the Claimant with respect to notice of the Respondents' Motion, nor does it reflect any response from her with regard to such. However, both of the Commission's notices of the hearing

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sent on May 10, 2021, were returned to the Commission as having "No Such Address" and being "Unable to Forward" on both May 21, 2021, and May 24, 2021.

The Commission's file further reflects that the Claimant filed a Form AR-C in each of the above-captioned matters on July 20, 2020 and has not requested a hearing on any of the involved claims since that date. In addition, there is no indication that the Claimant herein has responded to or otherwise objected to the Respondents' pending Motion.

Given the Claimant's lack of objection to the Respondents' Motion, corresponding failure to appear at the hearing held on June 11, 2021, and apparent failure to request a hearing on the merits of any of her claims since July 20, 2020, I specifically find that the Claimant has failed to prosecute her claim in a timely manner and that dismissal thereof without prejudice is warranted pursuant to Ark. Code Ann. §11-9-702 and Commission Rule 099.13, for lack of prosecution, and hereby grant the Respondents' Motion.

The above-captioned matters are respectfully dismissed without prejudice effective June 11, 2021, and the Respondents are ordered and directed to pay the court reporter's fee within thirty days of billing for such.

IT IS SO ORDERED.

TERRY DON LUCY
Administrative Law Judge