

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

AWCC NO. H004380

MANDY BOTTS, Employee

CLAIMANT

NORTHPORT HEALTH SERVICES, Employer

RESPONDENT

OLD REPUBLIC INSURANCE GROUP, Carrier

RESPONDENT

OPINION FILED JUNE 1, 2021

Hearing before ADMINISTRATIVE LAW JUDGE ERIC PAUL WELLS in Fort Smith, Sebastian County, Arkansas.

Claimant not represented by counsel and not appearing at hearing.

Respondents represented by LAURA J. PEARN, Attorney at Law, Fort Smith, Arkansas.

STATEMENT OF THE CASE

On May 6, 2021, a hearing on Respondents' Motion to Dismiss was conducted in Fort Smith, Arkansas. By handwritten letter received by the Commission on July 29, 2020, the claimant, proceeding *pro se*, requested a hearing on her claim. While the Legal Advisor Division attempted to schedule a mediation conference, that effort was unsuccessful. Respondents filed a Motion to Dismiss on April 5, 2021 requesting that this case be dismissed for lack of prosecution. On April 8, 2021, a hearing notice was sent to the parties setting this matter for a dismissal hearing on May 6, 2021. Notice of the hearing was sent to claimant by certified mail, but due to uncertainty as to whether that notice was received my office sent an e-mail to the claimant on May 4, 2021 advising her of the scheduled hearing and inquiring as to whether she had any objection to the dismissal. Claimant responded to that e-mail on that same date indicating, "I have no objection."

After a review of the record as a whole, to include all matters properly before the Commission, and having had an opportunity to hear the statements of Respondents' attorney as well as the claimant's

response indicating that she had no objection to her claim being dismissed, I find that this matter should be dismissed without prejudice for failure to prosecute pursuant to Commission Rule 099.13.

ORDER

Pursuant to the above statement of the case and Commission Rule 099.13, the respondents' motion to dismiss this claim should be and hereby is granted. This dismissal is without prejudice.

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