

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. H007002

DIONNE BOULER, Employee	CLAIMANT
WHITE RIVER AREA AGENCY ON AGING, Employer	RESPONDENT
RISK MANAGEMENT RESOURCES, Carrier	RESPONDENT

OPINION/ORDER FILED MAY 26, 2021

Hearing before ADMINISTRATIVE LAW JUDGE GREGORY K. STEWART in Springdale, Washington County, Arkansas.

Claimant represented by WHITNEY B. JAMES, Attorney, Little Rock, Arkansas; although not present at hearing.

Respondent represented by MELISSA WOOD, Attorney, Little Rock, Arkansas.

OPINION/ORDER

This case comes on for review following a hearing on respondent's motion to dismiss.

On September 15, 2020, the claimant suffered an admittedly compensable injury to her right shoulder. Respondent denied that claimant suffered a compensable injury to her back on that same date. Claimant filed Form AR-C on September 28, 2020, requesting various compensation benefits. A pre-hearing conference was scheduled; however, prior to the scheduled pre-hearing date, claimant indicated that she did not wish to go forward with the issue of compensability of a low back injury. As a result, respondent filed a motion to dismiss this claim on March 30, 2021.

A hearing was scheduled on the respondent's motion to dismiss for May 5, 2021.

Notice of the hearing was sent to claimant at her last known address by certified mail and was delivered on April 7, 2021. In addition, on April 5, 2021, claimant's attorney indicated that there was no objection to the motion to dismiss without prejudice and that they were waiving appearance at the hearing.

After my review of the respondent's motion, the claimant's response thereto, and all other matters properly before the Commission, I find that respondent's motion to dismiss this claim should be and hereby is granted. This dismissal is pursuant to Commission Rule 099.13, and it is without prejudice.

IT IS SO ORDERED.

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GREGORY K. STEWART  
ADMINISTRATIVE LAW JUDGE