

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION
CLAIM NO. H101045**

MELANIE CHURCH, EMPLOYEE	CLAIMANT
MARGUERITE VANN ELEMENTARY, EMPLOYER	RESPONDENT
ARKANSAS SCHOOL BOARDS ASSN., CARRIER/TPA	RESPONDENT

OPINION FILED AUGUST 3, 2021

Hearing before Administrative Law Judge James D. Kennedy in Little Rock, Pulaski County, Arkansas.

Claimant is *pro se* and failed to appear.

Respondents are represented by their attorney, Melissa Wood, Attorney at Law, Little Rock, Arkansas.

STATEMENT OF THE CASE

A hearing was held in the above-styled matter on July 27, 2021, in Little Rock, Arkansas, on the respondents' Motion to Dismiss for failure to prosecute pursuant to Ark. Code Ann. § 11-9-702 and Rule 099.13 of the Arkansas Workers' Compensation Act. The claimant was *pro se* and failed to appear for the hearing. The claimant had previously notified the Commission that she was withdrawing her appeal for denial of her workers' compensation claim by an e-mail dated June 6, 2021. In addition, the claimant notified the Commission by a second e-mail dated on or about June 24, 2021, that she had agreed to the dismissal of her claim. The claimant was employed by Marguerite Vann Elementary School and had alleged a work-related injury while walking to her car in the parking lot during a lunch break. The respondents denied the claim contending that it was not within the course and scope of employment. The respondents later requested a hearing on a Motion to Dismiss.

An appropriate notice setting this matter for a hearing for the Motion to Dismiss was provided to the claimant by both certified and regular mail. A hearing was set for July 27, 2021, in regard to the Motion to Dismiss. The claimant failed to appear on the hearing date in Little Rock, Arkansas. At the time of the hearing, Melissa Wood appeared on behalf of the respondents and asked that the matter be dismissed for lack of prosecution.

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 attorney for the respondent, I find that this matter should be dismissed for failure to prosecute pursuant to Ark. Code Ann. § 11-9-702 and Rule 099.13 of the Arkansas Workers' Compensation Act.

ORDER

Pursuant to the above statement of the case, there is no alternative but to dismiss this claim in its entirety, without prejudice, for failure to prosecute.

IT IS SO ORDERED.

**JAMES D. KENNEDY
ADMINISTRATIVE LAW JUDGE**