

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. H106795

NELLIE C. COLLINS, EMPLOYEE

CLAIMANT

**SOUTHERN TRACE REHAB & CARE CENTER,
EMPLOYER**

RESPONDENT

**AIU INSURANCE, COMPANY/
GALLAGHER BASSETT, CARRIER/TPA**

RESPONDENT

OPINION FILED MAY 2, 2022

Hearing before Administrative Law Judge James D. Kennedy in Little Rock, Pulaski County, Arkansas, on April 26, 2022.

Claimant is *Pro Se* and failed to appear.

Respondents are represented by Mr. Jarrod S. Parrish, Attorney-at-Law, Little Rock, Arkansas.

STATEMENT OF THE CASE

A hearing was held in the above-styled matter on April 26, 2022, in Little Rock, Arkansas, on respondent's Motion to Dismiss for failure to prosecute pursuant to Ark. Code Ann. §11-9-702(d), and Rule 099.13 of the Arkansas Workers' Compensation Act. The claimant contended that while working as a health care worker, she was exposed to Covid-19, which caused her to become ill and miss work, and consequently she filed an AR-C Form on August 20, 2021. The respondents filed an AR-2 Form on November 22, 2021, where they denied the claim due to the claimant's failure to satisfy the burden of proof.

The respondents filed a Motion to Dismiss on February 21, 2022, contending that the claimant had taken no action with respect to the claim in over six (6) months and the claimant failed to respond to the Motion to Dismiss.

A hearing was set for April 26, 2022, in regard to the request for the matter being dismissed. The claimant failed to appear at the hearing, after the appropriate notice was provided. At the time of the hearing, Jarrod S. Parrish appeared on behalf of the respondents.

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

Pursuant to the above, there is no alternative but to find that the Motion to Dismiss should be granted and this matter should be dismissed without prejudice at this time.

IT IS SO ORDERED.

JAMES D. KENNEDY
ADMINISTRATIVE LAW JUDGE