

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION  
CLAIM NO. H008809**

<b>JENNIFER CRISP, EMPLOYEE</b>	<b>CLAIMANT</b>
<b>WATER DESIGNS, LLC, EMPLOYER</b>	<b>RESPONDENT</b>
<b>ACCIDENT FUND INS. CO., CARRIER</b>	<b>RESPONDENT</b>

**OPINION FILED DECEMBER 16, 2021**

Hearing before Administrative Law Judge James D. Kennedy in Little Rock, Pulaski County, Arkansas, on December 7, 2021.

Claimant is represented by Laura Beth York, Attorney at Law, Little Rock, Arkansas, who waived her right of appearance.

Respondents are represented by Karen H. McKinney, Attorney at Law, Little Rock, Arkansas.

**STATEMENT OF THE CASE**

A hearing was held in the above-styled matter on December 7, 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 employed by Water Designs, LLC, and filed a Form-C on December 1, 2020, claiming that she slipped and fell, sustaining injuries to her back, neck, left shoulder and whole body from a work-related fall on September 14, 2020. The claim was denied at the outset. The claimant's attorney requested a Change of Physician, and in correspondence from the Medical Cost Containment Division dated January 28, 2021, the claimant was advised that the claim had been controverted in its entirety, thus a Change of Physician could not be issued. The claimant's attorney propounded Interrogatories and Requests for Production of Documents to the respondents on January 28, 2021, which were answered on April 16, 2021. Since filing the Form-C and

propounding discovery in January of 2021, there has been no litigation activity on the claim. In the past six (6) months, the claimant has not requested a hearing. The respondents filed a Motion to Dismiss on or about August 27, 2021, requesting that the claim be dismissed due to failure to take any action.

An appropriate notice setting this matter for a hearing for the Motion to Dismiss was provided to the claimant and the claimant, through her attorney, waived her right to appear. The claimant and her representative did not appear on the date of the hearing. At the time of the hearing, Karen H. McKinney 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 respondents' attorney, there is no alternative but to 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.**

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**JAMES D. KENNEDY  
ADMINISTRATIVE LAW JUDGE**