

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION  
CLAIM NO.: H001447**

JERLENE J. DUNCAN, Employee	CLAIMANT
EARLE ELEMENTARY SCHOOL, Self-Insured Employer	RESPONDENT
ARKANSAS SCHOOL BOARDS' ASSOCIATION WORKERS' COMPENSATION TRUST, Carrier/TPA	RESPONDENT

**OPINION AND ORDER FILED AUGUST 16, 2022**

Hearing conducted before ADMINISTRATIVE LAW JUDGE TERRY DON LUCY, in Crittenden County, Arkansas.

Counsel for the Claimant: *pro se*.

Counsel for the Respondents: HONORABLE MELISSA WOOD, Attorney at Law, Little Rock, Arkansas.

The above-captioned matter came on for a hearing on August 5, 2022, before the undersigned Administrative Law Judge, with respect to the Respondents' Motion to Dismiss originally filed on March 23, 2022. The *pro se* Claimant appeared for such at the appointed time, as did the Honorable Melissa Wood, who appeared on behalf of the Respondents.

During the proceedings, Respondents' Exhibit No. 1 was introduced into the record. The Commission's file in this matter was likewise introduced into the record, inclusive of the transcript of prior proceedings held on July 16, 2021, and the subsequent Opinion and Order issued by the undersigned Administrative Law Judge on October 6, 2021, regarded as the law of the case. (TR 4-6) The Claimant offered no exhibits. (TR 4-5)

During the hearing, the Claimant failed to identify any additional issues that required further litigation beyond those previously adjudicated. (TR 9-10; 14) Accordingly, the Respondents' Motion to Dismiss was granted from the bench without prejudice. (TR 14)

Based on the foregoing discussion and documentary evidence cited, I specifically find that the Claimant has failed to prosecute her claim in a timely manner and that dismissal thereof without prejudice is warranted pursuant to Ark. Code Ann. §11-9-702 and Commission Rule 099.13, and hereby grant the Respondents' Motion.

The above-captioned matter is respectfully dismissed without prejudice effective August 5, 2022, and the Respondents are ordered and directed to pay the court reporter's fee within thirty days of billing for such pursuant to Commission Rule 099.20, if they have not already done so.

IT IS SO ORDERED.

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TERRY DON LUCY  
Administrative Law Judge