

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION
AWCC CLAIM NO.: H009274**

TIERRA A. FENNER, Employee	CLAIMANT
WEST MEMPHIS HEALTH & REHAB, Self-Insured Employer	RESPONDENT
ARKANSAS SELF-INSURANCE TRUST, Carrier	RESPONDENT
CANNON COCHRAN MANAGEMENT SVCS., TPA	RESPONDENT

OPINION AND ORDER FILED AUGUST 24, 2021

Hearing conducted before Administrative Law Judge Terry Don Lucy, in Crittenden County, Arkansas.

Counsel for the Claimant: *pro se*.

Counsel for the Respondents: Honorable Carol L. Worley and Honorable Jarrod Parrish; Attorneys at Law, Little Rock, Arkansas.

The above-captioned matter came on for a hearing on August 20, 2021, with respect to the Respondents' Motion to Dismiss originally filed with the Commission on June 16, 2021. When the hall was sounded at the appointed time for the hearing, the Claimant was not present for such, nor did she appear during the ensuing proceedings. Respondents' Exhibit No. 1 was subsequently introduced into the record without objection, and the Commission's file in this matter was deemed incorporated by reference into the record without objection for purposes of this Opinion and Order.

The Commission's file reflects that notice of the hearing was sent to the Claimant via certified and first-class mail from the Commission dated July 13, 2021, to her last known address, and was successfully delivered by the United States Postal Service on July 16, 2021.

The Commission's file and Respondents' Exhibit No. 1 further reflect that the Claimant filed a Form AR-C in this matter on November 17, 2020 and has not requested a hearing on the merits of her claim since that date. In addition, there is no indication that the Claimant herein has responded to or otherwise objected to the Respondents' pending Motion.

Given the Claimant's lack of objection to the Respondents' Motion, corresponding failure to appear at the hearing held on August 20, 2021, and apparent failure to request a hearing on the merits of her claim since November 17, 2020, 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, for lack of prosecution, and hereby grant the Respondents' Motion.

The above-captioned matter is respectfully dismissed without prejudice effective August 20, 2021, and the Respondents are ordered and directed to pay the court reporter's fee within thirty days of billing for such.

IT IS SO ORDERED.

TERRY DON LUCY
Administrative Law Judge