

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. H201434

MARTINA FOLAN

CLAIMANT

WHITE RIVER AREA AGENCY ON AGING, Employer

RESPONDENT

**AGING SERVICES FUND/
RISK MANGAGEMENT RESOURCES, CARRIER/TPA**

RESPONDENT

OPINION FILED FEBRUARY 28, 2023

Hearing before Administrative Law Judge James D. Kennedy on February 22, 2023, in Batesville, Independence County, Arkansas.

Claimant is *pro se* and failed to appear.

Respondents are represented by their attorney, Ms. Melissa Wood, of Little Rock, Arkansas.

STATEMENT OF THE CASE

A hearing was held in the above-styled matter on February 22, 2023, in Batesville, Arkansas, on respondent's Motion to Dismiss for failure to prosecute pursuant to Arkansas Code Annotated §11-9-702 and Rule 099.13 of the Arkansas Workers' Compensation Act. The claimant failed to appear at the hearing. The White River Area Agency on Aging filed an AR-N Form on December 16, 2021, and filed a First Report of Injury on December 20, 2021. The claimant filed an Arkansas Form-C on February 16, 2022, contending she had injured her neck causing numbness to her right arm and whole body while assisting a patient. The respondents denied the claim in its entirety. The claimant was originally represented by counsel, but counsel was allowed to withdraw by an Order dated November 15, 2022. A Motion to Dismiss for Failure to Prosecute was filed by the respondents on or about November 11, 2022.

An appropriate notice setting this matter for a hearing on February 22, 2023, was provided, and the claimant did not file an objection or appear at the hearing in Batesville, 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 an opportunity to hear the statements of the attorney for the respondents, I find that this matter should be dismissed for failure to prosecute pursuant to Arkansas Code Annotated §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