

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION
CLAIM NO. H007525**

HEATHER D. GIBSON, EMPLOYEE

CLAIMANT

ARCARE, EMPLOYER

RESPONDENT

TRAVELERS INS. CO., CARRIER/TPA

RESPONDENT

OPINION FILED MAY 5, 2021

Hearing before Administrative Law Judge James D. Kennedy in Little Rock, Pulaski County, Arkansas, on May 4, 2021.

Claimant is *pro se* and failed to appear.

Respondents are represented by their attorney, Guy Alton Wade, of Little Rock, Arkansas.

STATEMENT OF THE CASE

A hearing was held in the above-styled matter on May 4, 2021, in Little Rock, Arkansas, on the respondents' Motion to Dismiss for failure to prosecute pursuant to Rule 099.13 of the Arkansas Workers' Compensation Act and Ark. Code Ann. § 11-9-702 (a)(4). The claimant was *pro se* and failed to appear at the hearing in regard to the Motion to Dismiss. The claimant filed a Form AR-C on or about October 21, 2020, where she alleged that she was exposed to Covid-19 in the workplace. The respondents filed a Form AR-2 on or about October 12, 2020, controverting the claim, and contending that there was no injury per statutory definition. The claimant has made no efforts to prosecute the claim and has failed to respond to discovery. More than six (6) months have passed since the filing of the claim. A Motion to Dismiss was filed on March 5, 2021, and the claimant has filed no response and taken no action in regard to this motion.

An appropriate notice setting this matter for a hearing on the Motion to Dismiss was provided to the claimant by both certified and regular mail and a hearing was set for

May 4, 2021, and the claimant failed to appear. Guy A. Wade appeared on behalf of the respondents asking 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, it is found that this matter should be dismissed, pursuant to Rule 099.13 of the Arkansas Workers' Compensation Act and Ark. Code Ann. § 11-9-702(a)(4).

ORDER

Pursuant to the above statement of the case, there is no alternative but to dismiss the claim in its entirety, without prejudice, for failure to prosecute.

IT IS SO ORDERED.

JAMES D. KENNEDY
ADMINISTRATIVE LAW JUDGE