

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION**

**WCC NO. H104644**

**RUTH HATCHER, Employee**

**CLAIMANT**

**WALMART ASSOCIATES, Employer**

**RESPONDENT**

**WALMART CLAIMS SERVICES, Carrier/TPA**

**RESPONDENT**

**OPINION FILED MARCH 12, 2024**

Hearing before ADMINISTRATIVE LAW JUDGE ERIC PAUL WELLS in Springdale, Washington County, Arkansas.

Claimant not represented by counsel and not appearing at hearing

Respondent represented by RICK BEHRING, JR., Attorney at Law, Little Rock, Arkansas.

**STATEMENT OF THE CASE**

This case comes on for review following a hearing on respondents' Motion to Dismiss.

On April 19, 2023, the claimant filed an AR-C requesting various compensation benefits, alleging injuries to her neck. No further action was taken on this claim. On October 23, 2023, the respondents filed a Motion to Dismiss requesting that this claim be dismissed for lack of prosecution. A hearing was scheduled for January 16, 2024, and notice of the hearing was sent to the claimant at her last known address by certified mail on December 4, 2023. That certified mail notice was returned to the Commission by the Post Office with a notation "Return to Sender. Vacant. Unable to Forward." Due to inclement weather, the hearing was rescheduled to February 20, 2024, and notice of the rescheduled hearing was sent to the claimant at her last known address by certified mail on January 18, 2024. Tracking information from the United States Postal Service indicate that certified mail was picked up by an individual on February 7, 2024.

The claimant did not attend the hearing. However, she did reach out to my office by phone at 8:35 on the morning of the hearing to inform the Commission that she would not be able to attend as she had only just recently learned that the hearing was scheduled for that day, February 20, 2024. The claimant indicated she did want to go forward with her claim and that she had unpaid medical bills and had been off work for over a year. She will complete the discovery previously sent to her by the respondents and will then request a hearing.

From a review of the record as a whole, to include all matters properly before the Commission, and having had an opportunity to hear the statements of the claimant and the respondents, I find that the respondents' Motion to Dismiss is denied at this time.

**ORDER**

Pursuant to the above statement of the case, I hereby deny respondents' Motion to Dismiss at this time.

If respondents have not already done so, they are directed to pay the court reporter, Veronica Lane, her fees and expenses within thirty (30) days of receipt of her invoice.

**IT IS SO ORDERED.**

---

HONORABLE ERIC PAUL WELLS  
ADMINISTRATIVE LAW JUDGE