

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

WCC NO. H104644

RUTH HATCHER, Employee

CLAIMANT

WALMART ASSOCIATES, Employer

RESPONDENT

WALMART CLAIMS SERVICE, Carrier/TPA

RESPONDENT

OPINION FILED JANUARY 14, 2025

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 in which she alleged injuries to her neck and back on or about April 22, 2021. The claim was controverted in its entirety. No further action was taken. The respondents filed a Motion to Dismiss on October 23, 2023, and a hearing was scheduled for February 20, 2024. Although the claimant did not attend the hearing, she did reach out to my office and informed the Commission that she would like to go forward with her claim and requested a hearing. On March 12, 2024, this administrative law judge entered an opinion denying the respondents Motion to Dismiss. The parties attempted settlement, but negotiations fell through, and no further action was taken by the claimant.

On October 22, 2024, the respondents filed another Motion to Dismiss requesting that this claim be dismissed for lack of prosecution. A hearing was scheduled for January 7, 2025. Notice of that hearing was sent to the claimant by certified mail, return receipt requested on November 25, 2024. United States Postal Department records indicate that claimant received and signed for the notice on December 4, 2024. Despite having received notice of the scheduled hearing, the claimant failed to appear at the hearing and has failed to respond to the motion in any form or manner.

After my review of the respondents' Motion to Dismiss, the claimant's lack of response thereto, and all other matters properly before the Commission, I find that respondents' Motion to Dismiss this claim should be and hereby is granted pursuant to Commission Rule 099.13. This dismissal is without prejudice.

ORDER

Pursuant to the above statement of the case and Commission Rule 099.13, I have no alternative but to dismiss this claim in its entirety, without prejudice, for failure to prosecute.

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.

ERIC PAUL WELLS
ADMINISTRATIVE LAW JUDGE