

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. H109942

DARLENE E. HETRICK, EMPLOYEE

CLAIMANT

HIRAM SHADDOX HEALTH & REHAB, EMPLOYER

RESPONDENT

ASIT/CCMSI, CARRIER/TPA

RESPONDENT

OPINION FILED AUGUST 23, 2022

Hearing before Administrative Law Judge James D. Kennedy in Mountain Home, Baxter County, Arkansas, on August 17, 2022.

Claimant is *Pro Se* and appeared on her own behalf.

Respondents are represented by Ms. Carol Lockard Worley of Little Rock, Arkansas.

STATEMENT OF THE CASE

A hearing was held in the above-styled matter on August 17, 2022, in Mountain Home, 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 contended she was injured on or about June 30, 2021, and the respondents stipulated that an employer-employee relationship existed on that date. The claimant filed a Form AR-C on December 22, 2021, contending that while passing out medication at work, she tripped and fell, hitting her head and right side. When she went to the hospital, she was diagnosed with atrial fibrillation. The respondents filed a Form 2 on or about January 5, 2022, which provided that the claim was accepted for a "forehead bruise." Prior to the hearing, the representative for the respondent talked to the claimant and contacted the adjuster in regard to claimant's claim. The claimant requested that her two (2) copays of \$81.00 and \$1225.00 be paid. During the hearing,

the claimant stated that she had no objection for her claim to be dismissed if the above two (2) co-pays were paid.

The respondents had filed its Motion to Dismiss for Failure to Prosecute on June 22, 2022. The claimant appeared at the hearing, *pro se*, on the above date, and was instructed that neither the representative for the respondent nor the Administrative Law Judge represented her. The claimant testified she did not object to her claim being dismissed if the above-mentioned co-pays were in fact paid. The claimant had not sought any type of *bona fide* hearing before the Workers' Compensation Commission for the last six (6) months, and also failed to file a response to the Motion to Dismiss. At the time of the hearing, Carol Worley appeared on behalf of the respondents, and provided that after talking to a representative for the carrier, the co-pays would be covered if the claimant had no objection to the dismissal of the claim without prejudice, to which the claimant agreed. The statute of limitations was also explained to the claimant.

After a review of the record as a whole, to include all evidence properly before the Commission, and having had an opportunity to hear the statements of the respondent's attorney and the claimant, there is no alternative but to find that the Motion to Dismiss should be granted at this time, and the matter should be dismissed without prejudice pursuant to Ark. Code Ann. §11-9-702 and Rule 099.13 of the Arkansas Workers' Compensation Act.

ORDER

Pursuant to the above, there is no alternative but to find that the Motion to Dismiss should be granted and this matter should be dismissed without prejudice at this time.

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IT IS SO ORDERED:

JAMES D. KENNEDY
ADMINISTRATIVE LAW JUDGE