

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

WCC NO. H008168

CHRISTINE HUDSON, Employee	CLAIMANT
UNITED CEREBRAL PALSY, Employer	RESPONDENT
ATA WC TRUST/RISK MANAGEMENT RESOURCES, Carrier/TPA	RESPONDENT

OPINION/ORDER FILED JULY 9, 2021

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

Claimant not represented by counsel and not present at hearing.

Respondents represented by MELISSA WOOD, Attorney at Law, Little Rock, Arkansas.

OPINION/ORDER

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

On October 22, 2020, the claimant filed Form AR-C with the Commission alleging an injury date on or about October 7, 2020. On that Form AR-C, claimant did not check any boxes for benefits being claimed, but did handwrite "COP" on that form. Claimant also wrote a "To Whom It May Concern" letter on that same date requesting a change of physician. By letter dated November 4, 2020, claimant was informed by Susan Isaac, RN with the Medical Cost Containment Unit, that since her claim had been controverted in its entirety that they were unable to issue a change of physician. Since that time, no further action of any type has been requested by the claimant. Accordingly, on May 4, 2021, respondent filed a Motion to Dismiss requesting that this claim be dismissed for lack of prosecution.

A hearing was set on that motion for June 22, 2021, and notice of the hearing was sent by certified mail to the claimant on May 11, 2021. United States Post Office records indicate that the notice was delivered to the address on file for the claimant on May 14, 2021. Despite having received certified notice of the hearing on respondent's Motion to Dismiss, the claimant did not appear at the hearing or contact my office in any manner to object or otherwise respond to the respondent's motion.

After my review of respondent's Motion to Dismiss, the failure of the claimant to appear at the hearing or to move forward in any manner to prosecute her claim, as well as all other matters properly before the Commission, I find that respondent's Motion to Dismiss this claim should be and hereby is granted pursuant to Commission Rule 099.13. This dismissal is without prejudice.

IT IS SO ORDERED.

HONORABLE ERIC PAUL WELLS
ADMINISTRATIVE LAW JUDGE