

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION**

**WCC NO. H109566**

**JANICE KANZLER, Employee**

**CLAIMANT**

**RUSSELLVILLE SCHOOL DISTRICT, Employer**

**RESPONDENT**

**ARKANSAS SCHOOL BOARD ASSOC., Carrier/TPA**

**RESPONDENT**

**OPINION FILED OCTOBER 18, 2022**

Hearing before ADMINISTRATIVE LAW JUDGE ERIC PAUL WELLS in Russellville, Pope County, Arkansas.

Claimant not represented by counsel and appearing PRO SE.

Respondent represented by, MELISSA WOOD, 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 January 20, 2022, the claimant's previous attorney, Jarid Kinder, filed an AR-C requesting various compensation benefits, alleging injuries to her neck and body as a whole. On February 21, 2022, a hearing was requested and scheduled for May 26, 2022, which was later cancelled at the claimant's request. Thereafter, on June 16, 2022, Mr. Kinder filed a Motion to Withdraw and on June 28, 2022, the Full Commission entered an Order allowing him to withdraw as claimant's counsel. No further action was taken on this claim. On July 22, 2022, the respondents filed a Motion to Dismiss requesting that this claim be dismissed for lack of prosecution. A hearing was scheduled for September 2, 2022, and notice of the hearing was sent to the claimant at her last known address by certified mail on July 28, 2022. The United States

Postal Service proof of service log indicates the notice was received by claimant on August 1, 2022. Claimant attended the scheduled hearing.

At the time of the hearing, the claimant testified that after her attorney's withdrawal, she attempted to contact a legal advisor with the Arkansas Workers' Compensation Commission in early June of 2022. She was told an attorney of record was still listed on her claim, and therefore she could not speak with anyone in the legal advisor department.

After a short recess, allowing the claimant to speak with a legal advisor at the Arkansas Workers' Compensation Commission, the claimant testified that she is still having problems with her injuries and would like to proceed with her claim.

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.**

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**ERIC PAUL WELLS  
ADMINISTRATIVE LAW JUDGE**