

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION**

**CLAIM NO. H201738**

**LACEY P. LUDEMANN, EMPLOYEE**

**CLAIMANT**

**FACTORY CONNECTION, LLC, EMPLOYER**

**RESPONDENT**

**TRAVELERS PROPERTY CASUALTY/  
TRAVELERS INDEMNITY CO.,  
CARRIER/TPA**

**RESPONDENT**

**OPINION FILED FEBRUARY 28, 2023**

**Hearing before Administrative Law Judge James D. Kennedy in Little Rock, Pulaski County, Arkansas, on February 28, 2023.**

**Claimant is represented by Frederick S. "Rick" Spencer, Attorney-at-Law, of Mountain Home, Arkansas.**

**Respondents are represented by Guy Alton Wade, Attorney-at-Law, of Little Rock, Arkansas.**

**STATEMENT OF THE CASE**

A hearing was held in the above-styled matter on February 28, 2023, in Little Rock, 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 that she had injured her neck, left side, hips and back on or about September 7, 2020, and filed a Form C on February 28, 2022. The claim was denied in its entirety. More than six (6) months have passed since the claimant alleged that she sustained a work-related injury and she has failed to respond to discovery that was propounded in March of 2022. A request for the matter to be dismissed was made by the respondents by letter on January 6, 2023. The claimant's representative notified the Commission that they had lost touch with the claimant by a letter dated

January 23, 2023. The representative also ran a Lexis Nexis search and could not find any information in regard to the claimant.

A hearing was set for February 28, 2023, in regard to the Motion to Dismiss. The claimant failed to appear at the hearing after proper notice. At the time of the hearing, Guy Alton Wade appeared on behalf of the respondents and asked that the matter be dismissed for lack of prosecution.

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, 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.

**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.

IT IS SO ORDERED:

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JAMES D. KENNEDY  
ADMINISTRATIVE LAW JUDGE