

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

WCC NO. H300963

RILEY MAXFIELD, Employee

CLAIMANT

CSL PLASMA, Employer

RESPONDENT

TRAVELERS INDEMNITY CO., Carrier/TPA

RESPONDENT

OPINION FILED FEBRUARY 25, 2025

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

Claimant represented by EVELYN E. BROOKS, Attorney at Law, Fayetteville, Arkansas; although waiving appearance at the hearing.

Respondent represented by GUY ALTON WADE, 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 May 3, 2023, Evelyn E. Brooks, claimant's attorney, filed a Form AR-C requesting various compensation benefits in which she alleged injuries to her left ring finger and hand; however, no hearing was requested. No further action was taken in this claim.

On October 8, 2024, the respondents filed a Motion to Dismiss requesting that this claim be dismissed for lack of prosecution. A hearing was scheduled for January 21, 2025. Notice of that hearing was sent to the claimant by certified mail, return receipt requested on November 25, 2024. That notice was returned by the United States Postal Department with the notation, "Return to Sender. No Mail Receptacle. Unable to Forward." Ms. Brooks indicated by email dated November 25, 2024, that she would waive her appearance at the hearing and further indicated that she had no objection to the Motion to Dismiss without prejudice.

After my review of respondent's Motion to Dismiss, Ms. Brooks' response thereto that she had no objection to the motion to dismiss without prejudice, and the claimant's failure to appear at the scheduled hearing, 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 A.C.A. §11-9-702(a)(4). 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.

HONORABLE ERIC PAUL WELLS
ADMINISTRATIVE LAW JUDGE