

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

WCC NO. G903212

NATALIE MCGEE-LESTER, Employee	CLAIMANT
NORTH ARKANSAS REGIONAL MEDICAL CENTER, Employer	RESPONDENT NO. 1
CENTRAL ADJUSTMENT COMPANY, Carrier/TPA	RESPONDENT NO. 1
DEATH & PERMANENT TOTAL DISABLITY TRUST FUND	RESPONDENT NO. 2

OPINION FILED AUGUST 10, 2022

Hearing before ADMINISTRATIVE LAW JUDGE ERIC PAUL WELLS in Fort Smith, Sebastian County, Arkansas.

Claimant represented by FREDERICK S. SPENCER, Attorney at Law, Mountain Home, Arkansas; although waiving appearance at the hearing.

Respondents No. 1 represented by LEE J. MULDROW, Attorney at Law, Little Rock, Arkansas.

Respondent No. 2 represented by DAVID L. PAKE, Attorney at Law, Little Rock, Arkansas; although waving appearance at the hearing.

STATEMENT OF THE CASE

On July 28, 2022, a hearing on Respondents' Motion to Dismiss was conducted in Fort Smith, Sebastian County, Arkansas. On March 4, 2022, Respondent No. 1 filed a Motion to Dismiss and requested that this case be dismissed for lack of prosecution. On May 18, 2022, a hearing notice was sent to the parties setting this matter for a dismissal hearing on July 28, 2022. On July 14, 2022, claimant's attorney notified the Commission via letter that the claimant has no objection to a dismissal without prejudice of this claim and waives her right to appear at the hearing. The claimant's attorney also indicated that he would not attend the hearing.

Given the claimant's position and the claimant's attorney's position in this matter as set forth by Mr. Spencer in his letter dated July 14, 2022, and the claimant's lack of request for a hearing in this matter, I find that it is appropriate to dismiss this claim without prejudice.

After 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 Respondent No. 1's attorney, I find that this matter should be dismissed without prejudice for failure to prosecute pursuant to Commission Rule 099.13.

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.

**ERIC PAUL WELLS
ADMINISTRATIVE LAW JUDGE**