

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION
CLAIM NO.: G906185**

ANNETTE MOORE, Employee

CLAIMANT

BLYTHEVILLE ELEMENTARY, Self-Insured Employer

RESPONDENT

ARKANSAS SCHOOL BOARDS' ASSOCIATION
WORKERS' COMPENSATION TRUST, Carrier/TPA

RESPONDENT

OPINION AND ORDER FILED JANUARY 13, 2021

Hearing conducted before ADMINISTRATIVE LAW JUDGE TERRY DON LUCY, in Craighead County, Arkansas.

Counsel for the Claimant: *pro se*.

Counsel for the Respondents: HONORABLE MELISSA WOOD, Attorney at Law, Little Rock, Arkansas

The above-captioned matter came on for a hearing on January 8, 2021, upon the Respondents' Motion to Dismiss, filed with the Commission on November 9, 2020. The Claimant was served with said Motion by the Respondents and was subsequently advised of such by the Commission by way of certified and regular mail dated November 16, 2020, with a responsive pleading required thereto on or before December 7, 2020. The Claimant failed to provide such. Consequently, a Notice of Hearing on said Motion was sent to the parties by the Commission dated December 10, 2020, by way of first-class and certified mail sent to the Claimant. The Commission's file, which was incorporated by reference during the hearing, reflects that the Claimant received notice of the Respondents' Motion on November 17, 2020, and received notice of the hearing on December 22, 2020. Given the Claimant's failure to appear, the Respondents' Exhibit was introduced without objection.

Counsel for the Respondents appeared for the hearing at the duly appointed time of 9:30 A.M. When the hall was sounded by Counsel for the Respondents at such time, the Claimant was

not present and did not appear during the ensuing proceedings.

During such proceedings, the Commission's file with respect to the above-captioned matter was designated as part of the record with no objection. In addition, the Respondents' documentary exhibit was accepted into evidence as Respondents' Exhibit No. 1 without objection, as was Commission's Exhibit No. 1. It was noted on the record, and is also reflected in the Commission's file, that the Claimant filed a Form AR-C on October 10, 2019, that her prior attorney was allowed to withdraw by way of a Full Commission Order entered on June 11, 2020, and that she has made no hearing request since either date nor has she undertaken any measures to otherwise prosecute her claim.

Based upon my review and consideration of the Commission's file, Respondents' Exhibit No. 1, statements made by Counsel for the Respondents during the hearing, the Claimant's failure to respond to the Respondents' Motion, and her failure to appear at the scheduled hearing, I specifically find that the Claimant has failed to timely prosecute her claim within the meaning of Commission Rule 099.13 and Ark. Code Ann. §11-9-702 and that such should be dismissed without prejudice.

The above-captioned matter is respectfully dismissed without prejudice effective January 8, 2021, on which date the Respondents' Motion was granted from the bench. The above-captioned matter will be returned to the Commission's general files. The Respondents are ordered and directed to pay the court reporter's fee within thirty (30) days of billing for such.

IT IS SO ORDERED.

Honorable Terry Don Lucy
ADMINISTRATIVE LAW JUDGE