

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION
CLAIM NO.: H005379**

NORMA MCCLENDON, Employee	CLAIMANT
HERITAGE LIVING CENTER, INC., Self-Insured Employer	RESPONDENT
ARKANSAS SELF-INSURANCE TRUST., Carrier	RESPONDENT
CANNON COCHRAN MANAGEMENT SERVICES, INC., TPA	RESPONDENT

OPINION AND ORDER FILED APRIL 6, 2021

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

Counsel for the Claimant: Honorable Whitney B. James, Attorney at Law, Little Rock, Arkansas.

Counsel for the Respondents: Honorable Carol L. Worley and Honorable Melissa M. Wood; Attorneys at Law, Little Rock, Arkansas.

The above-captioned matter came on for a hearing on April 1, 2021, with respect to the Respondents' Motion to Dismiss filed with the Commission on February 8, 2021. Neither the Claimant nor her Counsel appeared for the hearing at the appointed time or during the ensuing proceedings, and Respondents' (the only appearing party) Exhibit No. 1 was thus introduced without objection.

As reflected by Respondents' Exhibit No. 1, Counsel for the Claimant had no objection to the Respondents' motion provided that it be granted without prejudice and waived her appearance at a hearing on such. (RX 1 at 7; see also RX 1 at 4-5) Nonetheless, notice of the hearing was sent to the Claimant by the Commission via certified and first-class mail. (RX 1 at 9) It also appears from Respondents' Exhibit No. 1 that the Claimant filed a Form AR-C in this matter on August 4, 2020, and there is no indication that a hearing on such has been requested. (RX 1 at 1)

Given the Claimant's lack of objection to the Respondents' Motion, waiver of her Counsel's appearance at any hearing held on such, corresponding failure to appear at the hearing held on

April 1, 2021, and apparent failure to request a hearing on the merits of her claim since August 4, 2020, I specifically find that the Claimant has failed to prosecute her claim and that dismissal thereof without prejudice is warranted pursuant to Ark. Code Ann. §11-9-702 and Commission Rule 099.13 for lack of prosecution, and hereby grant the Respondents' Motion.

The above-captioned matter is respectfully dismissed without prejudice effective April 1, 2021, and 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.

TERRY DON LUCY
Administrative Law Judge