

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. H303756

ANDREA R. McKENNON, EMPLOYEE

CLAIMANT

CHAMBERS HEALTH & REHABILITATION, EMPLOYER

RESPONDENT

**ARKANSAS SELF-INSURANCE TRUST / CCMSI,
CARRIER/TPA**

RESPONDENT

OPINION FILED MARCH 13, 2024

Hearing before Administrative Law Judge James D. Kennedy in Little Rock, Pulaski County, Arkansas on March 5, 2024.

Claimant is *pro se* and failed to appear.

Respondents are represented by Ms. Melissa Wood, Attorney-at-Law of Little Rock, Arkansas.

STATEMENT OF THE CASE

A hearing was held in the above-styled matter on March 5, 2024, in Little Rock, Arkansas on respondents' 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 was *pro se* and failed to appear for the hearing. The claimant had filed a Form AR-C on or about June 13, 2023, contending that she had developed COVID from a work-related incident, which had occurred on April 17, 2023. The claim was denied in its entirety. The First Report of Injury in regard to this claim was filed on June 21, 2023. The Form AR-2 was filed on February 12, 2024, which denied the claim in its entirety and stated the COVID was due to an outside COVID exposure.

A Motion to Dismiss was filed on February 12, 2024, requesting that the matter be dismissed for failure to prosecute pursuant to Commission Rule 099.13 and Ark. Code

Ann. §11-9-702. The claimant has not requested a hearing to date and more than six (6) months have passed since the filing of the original claim.

Appropriate notice was provided to the claimant notifying her that a hearing on the Motion to Dismiss was set for March 5, 2024, in Little Rock, Arkansas. The claimant did not file a response and failed to appear on the hearing date. At the time of the hearing, Melissa Wood 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 an opportunity to hear the statements of the attorney for the respondent, it is found that this matter should be dismissed without prejudice, for failure to prosecute pursuant to Ark. Code Ann. §11-9-702 and Rule 099.13 of the Arkansas Workers' Compensation Act.

ORDER

Pursuant to the above statement of the case, there is no alternative but to dismiss this claim in its entirety, without prejudice, for failure to prosecute.

IT IS SO ORDERED.

JAMES D. KENNEDY
ADMINISTRATIVE LAW JUDGE