

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION**

**CLAIM NO. H200299**

**REBECCA L. NEAL, EMPLOYEE**

**CLAIMANT**

**CARE MANOR NURSING, EMPLOYER**

**RESPONDENT**

**ARKANSAS SELF-INSURANCE TRUST, COMPANY /  
CANNON COCHRAN MANAGEMENT SERVICES, INC., TPA**

**RESPONDENT**

**OPINION FILED DECEMBER 12, 2023**

**Hearing before Administrative Law Judge James D. Kennedy in Little Rock, Pulaski County, Arkansas, on December 12, 2023.**

**Claimant is *Pro Se* and did not 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 December 12, 2023, 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 contended that she sustained a work-related injury to her left arm near her elbow, which resulted in a fracture, due to her having tripped while rapidly walking to find a CNA for assistance with a resident on July 15, 2021. The claimant filed a Form AR-C on January 11, 2022, requesting benefits. The respondents filed a Form AR-2 that provided it was a compensable claim, medical only. The claimant obtained a Change of Physician Order on or about January 31, 2022. The claimant was found to have reached MMI in August of 2022, with a zero percent (0%) impairment rating. No *bona fide* request for a hearing has been made within six (6) months of filing the claim.

A Motion to Dismiss for failure to prosecute was filed on or about October 16, 2023, and the claimant failed to respond to the Motion.

A hearing was set for December 12, 2023, in regard to the Motion to Dismiss. The claimant failed to appear at the hearing after proper notice. 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 had an opportunity to hear the statements of the respondents' attorney, there is no alternative but to find that the Motion to Dismiss should be granted at this time, and the matter should be dismissed without prejudice.

**ORDER**

Pursuant to the above, there is no alternative but to find that the Motion to Dismiss should be granted and this matter should be dismissed without prejudice pursuant to Arkansas Code Annotated §11-9-702 and Rule 099.13 of the Arkansas Workers' Compensation Act at this time.

IT IS SO ORDERED.

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JAMES D. KENNEDY  
ADMINISTRATIVE LAW JUDGE