

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

WCC NO. H201989

VELTA NOLAN, Employee	CLAIMANT
D&P INVESTMENTS, INC., Employer	RESPONDENT
MARKEL SERVICE, INC., Carrier	RESPONDENT
EQUIAN, LLC, Carrier	GROUP HEALTH CARRIER

OPINION FILED FEBRUARY 27, 2024

Hearing before ADMINISTRATIVE LAW JUDGE ERIC PAUL WELLS in Russellville, Pope County, Arkansas.

Claimant represented by AARON L. MARTIN, Attorney at Law, Fayetteville Arkansas.

Respondents represented by RANDY P. MURPHY, Attorney at Law, Little Rock, Arkansas.

STATEMENT OF THE CASE

This case comes on for review following a hearing on February 15, 2024, regarding Equian, LLC's, a group health carrier, right to recover subrogation for medical treatment paid on behalf of the claimant.

On December 13, 2023, notice was sent to Equian, LLC via certified mail advising that a hearing would be conducted on February 15, 2024, beginning at 10:30 a.m. at the Workers' Compensation Commission offices in Russellville, Arkansas. The hearing was to address a determination of any potential liens involving payment of medical expenses or long-term disability by any outside parties in accordance with A.C.A. §11-9-411. United States Postal Service records indicate that the notice was delivered and picked up by an individual at a United States Postal facility on December 26, 2023, at 11:48 a.m. This tracking information can be found at Commission's Exhibit 1, Page 1. Despite having received notice of the hearing, Equian,

LLC failed to respond to the hearing notice in any manner whatsoever and failed to appear at the date and time of said notice.

The claimant in this matter is a 54-year-old female who injured her low back on February 4, 2019. The respondents accepted the claim as compensable and paid all related expenses until benefits were stopped following an independent medical evaluation. The claimant sought additional treatment, which may have been paid for through her group health insurance carrier.

The parties reached a settlement agreement and attempted to contact Equian, LLC regarding any potential liens. On November 2, 2023, the respondents filed a Motion to Extinguish Lien, and on November 14, 2023, the Commission sent a letter to Ms. Sweatt with Equian, LLC asking for acknowledgement of a lien. Both the Motion and letter have gone unanswered by Equian, LLC and no such lien has been provided.

From a review of the record as a whole, to include medical reports, documents, and other matters properly before the Commission, and having had an opportunity to hear the testimony of the witness and to observe her demeanor, the following findings of fact and conclusions of law are made in accordance with A.C.A. §11-9-704:

FINDINGS OF FACT & CONCLUSIONS OF LAW

1. The Arkansas Workers Compensation Commission has jurisdiction to determine any potential liens involving payment of medical expenses or long-term disability by any outside parties in accordance with A.C.A. §11-9-411.

2. Equian, LLC has failed to prove the existence of any potential lien involving payment of medical expenses or long-term disability in accordance with A.C.A. §11-9-411.

ORDER

Equian, LLC is not entitled to a lien involving repayment of medical expenses or long-term disability benefits paid to the claimant regarding Workers' Compensation Claim Number H201989 which involved a February 4, 2019, back injury.

IT IS SO ORDERED.

**HONORABLE ERIC PAUL WELLS
ADMINISTRATIVE LAW JUDGE**