

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION**

**WCC NO. H101318**

**JENNIFER L. PACE, Employee**

**CLAIMANT**

**J.B. HUNT TRANSPORT, INC., Employer**

**RESPONDENT**

**ESIS, INC., Carrier/TPA**

**RESPONDENT**

**OPINION/ORDER FILED OCTOBER 6, 2021**

Hearing before ADMINISTRATIVE LAW JUDGE ERIC PAUL WELLS, in Springdale, Washington County, Arkansas.

Claimant not represented by counsel and not appearing at hearing.

Respondents represented by JOSEPH H. PURVIS, Attorney at Law, Little Rock, Arkansas.

**OPINION/ORDER**

This case comes on for review following a hearing on respondent's Motion to Dismiss.

On August 3, 2021, respondent filed a Motion to Dismiss requesting that this claim be dismissed for lack of prosecution. Said motion indicates that on January 18, 2021, claimant fell while exiting a restaurant after eating breakfast at a truck stop where she had spent the night. Respondent denied the claim contending that claimant was not in the course and scope of her employment when the injury occurred. By e-mail dated February 8, 2021, to Caroline Hays of the Legal Advisor Division, claimant indicated "I want to appeal my workermans comp claim." After efforts to conduct a mediation conference were unsuccessful, the file was referred to this administrative law judge and a letter was sent to claimant on April 1, 2021, enclosing a pre-hearing questionnaire to be completed so that further action could be taken in her claim. When no pre-hearing questionnaire was forthcoming from the claimant, respondent filed its Motion to Dismiss on August 3, 2021. On August 12, 2021, a Notice of Hearing was mailed to the claimant at her last known mailing address by certified mail setting this matter for hearing on September 28, 2021. United States Postal Service records indicate "We regret to inform you that we

were unable to locate any delivery information in our records for your item.” The certified mail envelope has not been returned to this office.

After my review of respondent’s Motion to Dismiss, the claimant’s lack of response thereto as well as her failure to appear at the scheduled hearing, and all other matters properly before the Commission, I find that respondent’s Motion to Dismiss this claim should be and hereby is granted pursuant to A.C.A. §11-9-702(a)(4). This dismissal is without prejudice.

**IT IS SO ORDERED.**

---

**HONORABLE ERIC PAUL WELLS  
ADMINISTRATIVE LAW JUDGE**