

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION
AWCC CLAIM NO.: H003204**

KEISHA K. PATTILLO, Employee	CLAIMANT
ST. BERNARDS HOSPITAL, INC., Self-Insured Employer	RESPONDENT
RISK MANAGEMENT RESOURCES, TPA	RESPONDENT

OPINION AND ORDER FILED DECEMBER 22, 2021

Hearing conducted before Administrative Law Judge Terry Don Lucy, in Craighead County, Arkansas.

Counsel for the Claimant: *pro se*.

Counsel for the Respondents: Honorable Justin E. Parkey, Attorney at Law, Jonesboro, Arkansas.

The above-captioned matter came on for a hearing on December 10, 2021, with respect to the Respondents' Motion to Dismiss filed with the Commission on October 25, 2021. When the hall was sounded at the appointed time for the hearing, the Claimant was not present for such, nor did she appear during the ensuing proceedings. (TR 3-4)

Following sounding of the hall, the Commission's file in this matter was deemed incorporated by reference into the record without objection for purposes of this Opinion and Order. (TR 4)

The Commission's file reflects that notice of the Respondents' Motion was sent to the Claimant via certified and first-class mail from the Commission dated October 29, 2021, to her last known address, and allowed her until November 18, 2021, to respond to such. Also, the Commission's file reflects that notice of the hearing was likewise sent to the Claimant via certified and first-class mail from the Commission dated November 23, 2021, to the same last known address. The Commission's file further reflects that the Claimant contacted the Commission's Legal Advisor Division by telephone on November 18, 2021, and advised that she

did not need to pursue her claim. (See also TR 5) The Commission's file indicates no further activity or contact from the Claimant since November 18, 2021, that she filed a Form AR-C with the Commission on June 3, 2020, and has not requested a hearing since the latter date. (See also TR 4)

Given the Claimant's lack of objection to the Respondents' Motion, corresponding failure to appear at the hearing held on December 10, 2021, and apparent failure to request a hearing on the merits of her claim since June 3, 2020, I specifically find that the Claimant has failed to prosecute her claim in a timely manner and that dismissal thereof without prejudice is warranted pursuant to Ark. Code Ann. §11-9-702 and Commission Rule 099.13, for lack of timely prosecution, and hereby grant the Respondents' Motion.

The above-captioned matter is respectfully dismissed without prejudice effective December 10, 2021, and the Respondents are ordered and directed to pay the court reporter's fee within thirty days of billing for such.

IT IS SO ORDERED.

TERRY DON LUCY
Administrative Law Judge