

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION**

**CLAIM NO. G800674**

<b>DONNALEE M. PHILPOTT, EMPLOYEE</b>	<b>CLAIMANT</b>
<b>JIM STONE ELEMENTARY SCHOOL/ CONWAY SCHOOL DISTRICT, EMPLOYER</b>	<b>RESPONDENT #1</b>
<b>ARKANSAS SCHOOL BOARDS ASSN. WCT, CARRIER/TPA</b>	<b>RESPONDENT #1</b>
<b>DEATH &amp; PERMANENT TOTAL DISABILITY TRUST FUND</b>	<b>RESPONDENT #2</b>

**OPINION FILED FEBRUARY 9, 2022**

**Hearing before Administrative Law Judge James D. Kennedy in Little Rock, Pulaski County, Arkansas, on February 1, 2022.**

**Claimant is *pro se* and did not appear.**

**Respondents #1 are represented by Jarrod Parrish, Attorney at Law, Little Rock, Arkansas.**

**Respondent #2 is represented by David L. Pake, Attorney at Law, Little Rock, Arkansas.**

**STATEMENT OF THE CASE**

A hearing was held in the above-styled matter on February 1, 2022, in Little Rock, Arkansas, on Respondents' #1 Motion to Dismiss for failure to prosecute pursuant to Rule 099.13 of the Arkansas Workers' Compensation Act. The claim involves an injury which occurred on or about September 6, 2017, when an employer/employee relationship existed. The claimant alleged that she sustained a compensable injury to her left hand, shoulder, elbow, neck, and whole body. The claimant's entitlement to continued benefits has been denied by the respondents. The claimant has filed multiple Form AR-Cs, and multiple Prehearing Orders have been entered in this matter. The parties have also attempted to settle the matter by Joint Petition. An Order was entered by the Full

Commission on November 30, 2021, which allowed the claimant's attorney, Laura Beth York, to withdraw as counsel. A Motion to Dismiss for failure to prosecute was filed on December 2, 2021, and the claimant failed to respond to the motion

A hearing was set for February 1, 2022, in regard to the Motion to Dismiss. The claimant failed to appear at the hearing after proper notice. At the time of the hearing, Jarrod Parrish appeared on behalf of the respondents #1 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' #1 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 at this time.

**IT IS SO ORDERED.**

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**JAMES D. KENNEDY  
ADMINISTRATIVE LAW JUDGE**