

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. **G900078**

TANYA RITCHEY, EMPLOYEE	CLAIMANT
OMAHA SCHOOL DISTRICT, EMPLOYER	RESPONDENT#1
ARKANSAS SCHOOL BOARDS ASSN., INSURANCE CARRIER	RESPONDENT#1
DEATH & PERMANENT TOTAL DISABILITY TRUST FUND	RESPONDENT#2

OPINION/ORDER FILED MARCH 25, 2021

Hearing before ADMINISTRATIVE LAW JUDGE JOSEPH C. SELF, in Fort Smith, Sebastian County, Arkansas.

Claimant appeared in person, *pro se*.

Respondents #1 are represented by LAURA PEARN., Attorney, Fort Smith, Arkansas.

Respondent #2 is represented by CHRISTY L. KING, Attorney, Little Rock, Arkansas (appearance waived).

OPINION/ORDER

On January 7, 2019, claimant filed Form AR-C, alleging a compensable injury on February 21, 2018. Claimant was represented at the time by attorney Laura Beth York. On October 9, 2020, Ms. York requested to be allowed to withdraw as Claimant's counsel and in an order entered October 27, 2020, the Full Commission granted that Motion to Withdraw.

On February 2, 2021, Respondent filed a motion to dismiss, alleging that it had been more than six months since claimant filed her Form AR-C with the Commission, but she had not made a request for a hearing in that time. A hearing on Respondent's Motion to Dismiss was scheduled for March 11, 2021. Notice of the scheduled hearing was sent to Claimant by certified mail and was delivered on February 8, 2021. Claimant did not respond to Respondent's motion but did appear in

person at the hearing on March 11, 2021. Claimant voiced no objection to the Respondent's Motion to Dismiss.

In reviewing the file, I saw reference to two subsequent AR-Cs that were filed "for statute purposes." These two were not mentioned in Respondent's Motion To Dismiss. However, the subsequent AR-Cs were filed on February 18, 2020, and July 15, 2020, and were mentioned during the hearing. I note that more than six months has elapsed since the filing of the latest AR-C on July 15, 2020. No request for a hearing has been made by Claimant or her former counsel, and Claimant did not request the matter be scheduled for a hearing during the hearing on Respondent's Motion to Dismiss.

Therefore, after my review of the Respondent's motion, the Claimant's answer regarding setting this matter at the hearing to the Respondent's motion, as well as all other matters properly before the Commission, I find that Respondent's Motion to Dismiss this claim should be and hereby is granted. This dismissal is pursuant to Commission Rule 099.13 and is without prejudice.

IT IS SO ORDERED.

JOSEPH C. SELF
ADMINISTRATIVE LAW JUDGE