

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NOS. H005995/H005395

DONNA SCOTT, Employee	CLAIMANT
FORT SMITH SCHOOL DISTRICT, Employer	RESPONDENT
ARKANSAS SCHOOL BOARDS ASSOC. WCT, Carrier	RESPONDENT

OPINION/ORDER FILED MAY 4, 2021

Hearing before ADMINISTRATIVE LAW JUDGE GREGORY K. STEWART in Fort Smith, Sebastian County, Arkansas.

Claimant not represented by counsel and not appearing at hearing.

Respondent represented by GUY ALTON WADE, Attorney, Little Rock, Arkansas.

OPINION/ORDER

This case comes on for review following a hearing on respondent's motion to dismiss.

On October 10, 2018, claimant suffered an admittedly compensable injury to her left knee. Claimant suffered a second compensable injury to her left knee on September 23, 2019. These injuries were accepted as medical only injuries by the respondent. Claimant eventually asked for and received a change of physicians to Dr. Lowry Barnes. The Second Amended Change of Physician Order indicates that claimant's appointment with Dr. Barnes was scheduled for October 14, 2020. Since that time no further action has been taken in this claim, and on March 11, 2021, respondent filed a motion to dismiss.

A hearing was scheduled on the respondent's motion to dismiss for April 26, 2021. Notice of the scheduled hearing was sent to claimant by certified mail and was delivered

on March 16, 2021. An e-mail dated March 17, 2021, from Janie McGaugh, Administrative Assistant, to claimant confirmed a telephone conversation wherein claimant called and indicated that she did not object to either of her claims being dismissed and did not wish to attend the scheduled hearing. Claimant was not present at the hearing.

After my review of the respondent's motion, the claimant's response thereto, and all other matters properly before the Commission, I find that respondent's motion to dismiss these claims should be and hereby is granted. This dismissal is pursuant to Commission Rule 099.13 and it is without prejudice.

IT IS SO ORDERED.

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GREGORY K. STEWART  
ADMINISTRATIVE LAW JUDGE