

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION  
CLAIM NO.: H203952**

SHARON SIMPSON, Employee	CLAIMANT
SAINT VINCENT INFIRMARY MEDICAL CENTER, Employer	RESPONDENT
INDEMNITY INSURANCE COMPANY OF NORTH AMERICA, Carrier	RESPONDENT
ESIS, INC.; TPA	RESPONDENT

**OPINION AND ORDER FILED SEPTEMBER 29, 2022**

Hearing conducted before ADMINISTRATIVE LAW JUDGE TERRY DON LUCY, in Craighead County, Arkansas.

Counsel for the Claimant: *pro se*.

Counsel for the Respondent: HONORABLE MICHAEL E. RYBURN, Attorney at Law, Little Rock, Arkansas.

The above-captioned matter came on for a hearing on September 20, 2022, for the purpose of a full-hearing on the merits pursuant to a Pre-Hearing Order entered by the undersigned Administrative Law Judge on August 18, 2022. (Comm. Ex. 1 at 1-3) At the appointed time for the hearing, the Claimant was not present, nor did she appear during the ensuing proceedings and the Pre-Hearing Order of August 18, 2022, was introduced into the record without objection. (TR 4-5) The Commission's file in this matter is deemed incorporated by reference into the record for purposes of this Opinion and Order.

In light of the Claimant's failure to appear for the full hearing, Counsel for the Respondents moved for dismissal on the record. (TR 6) The Commission's file reflects that notice of the scheduled full hearing was sent to the Claimant's last known address on August 18, 2022, by way of certified and first-class mail, and that the certified mailing was signed for by the Claimant or someone on her behalf at her last known address on August 19, 2022.

Consequently, the Respondents' Motion to Dismiss was granted without prejudice for lack of

prosecution effective September 20, 2022, pursuant to Commission Rule 099.13. (TR 8)

Based on the foregoing discussion, I specifically find that the above-captioned matter should be, and hereby is, respectfully dismissed without prejudice effective September 20, 2022, pursuant to Commission Rule 099.13. The Respondents are ordered and directed to pay the court reporter's fee within thirty days of billing for such pursuant to Commission Rule 099.20, if they have not already done so.

IT IS SO ORDERED.

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Hon. Terry Don Lucy  
ADMINISTRATIVE LAW JUDGE