

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION
WCC NO. H302429**

**MARIAH TAYLOR,
EMPLOYEE**

CLAIMANT

**JONESBORO SCHOOL DISTRICT,
SELF-INSURED EMPLOYER**

RESPONDENT

**ARKANSAS SCHOOL BDS ASSN.,
THIRD PARTY ADMINISTRATOR**

RESPONDENT

OPINION FILED JANUARY 31, 2024

Hearing conducted on Friday, January 26, 2024, before the Arkansas Workers' Compensation Commission (the Commission), Administrative Law Judge (ALJ) Steven Porch, in Little Rock, Pulaski County, Arkansas.

The Claimant, Ms. Mariah Taylor, pro se, of Brookland, Arkansas, did not appear in person at the hearing.

The Respondents were represented by the Honorable Melissa Wood, Little Rock, Arkansas.

STATEMENT OF THE CASE

The Claimant worked for the Respondent/Employer as a bus aide. She was injured on March 28, 2023, when another vehicle backed into the bus, she was riding causing Claimant's knees to slam into the bar of the seat in front of her. The Claimant reported her injury to the Respondent/Arkansas School Boards Association on March 29, 2023. The claim was initially accepted by Respondents as medical-only, but was later denied on April 14, 2023, concluding there was no injury in the course and scope of employment. The Claimant then filed her Form AR-C on April 19, 2023, through her attorney Mark Peoples. However, Mark Peoples filed a Motion to Withdraw, and it was granted on November 14, 2023. Since the filing of Claimant's AR-C on March 29, 2023, this claim has not been pushed to a full hearing.

The Respondents filed a Motion to Dismiss on November 17, 2023, requesting this claim be dismissed for lack of prosecution. The Claimant was sent notice of the Motion to Dismiss from the Commission on November 20, 2023. The Claimant did not respond to the motion in writing. In accordance with applicable Arkansas law, the Claimant was mailed due and proper legal notice of both the respondents' motion to dismiss and the hearing notice at her current address of record via the United States Postal Service (USPS), First Class Certified Mail, Return Receipt Requested, which she received on December 23, 2023. The hearing took place January 24, 2024. The Claimant did not show up to the hearing.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Therefore, after a thorough consideration of the facts, issues, the applicable law, and other relevant matters of record, including Respondents' Exhibit 1, non-medical records, consisting of nine pages and Commission Exhibit 1, Notice of Hearing and supporting documents, consisting of 6 pages, I hereby make the following findings:

1. The Commission has jurisdiction over this claim.
2. The Claimant and Respondents both had notice of the January 26, 2024, hearing.
3. The Claimant has failed to prosecute her claim under AWCC Rule 99.13.
4. The Respondents' Motion to Dismiss should be granted.

DISCUSSION

Consistent with both *Ark. Code Ann.* § 11-9-702(a)(4) and AWCC Rule 99.13, the Commission scheduled and conducted a hearing on the Respondents' Motion to Dismiss. I do find that the Respondents have proven by the preponderance of the evidence, introduced at the hearing, and contained in the record, that Claimant has not requested a hearing, nor has she taken any action

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to pursue her claim as of the hearing date. Therefore, I find by the preponderance of the evidence that the Claimant has failed to prosecute her claim under AWCC Rule 99.13.

CONCLUSION

Based on the Findings of Fact and Conclusions of Law set forth above, Respondents' Motion to Dismiss is hereby granted *without prejudice*.

IT IS SO ORDERED.

Steven Porch
Administrative Law Judge