

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. **H307000**

TAYLOR S. WALLIS, EMPLOYEE	CLAIMANT
BAPA HARRISON INC., EMPLOYER	RESPONDENT
THE HARTFORD, CARRIER	RESPONDENT

OPINION FILED **OCTOBER 17, 2024**

Hearing before ADMINISTRATIVE LAW JUDGE JOSEPH C. SELF in Springdale, Washington County, Arkansas.

Claimant represented by MARK ALAN PEOPLES, Attorney, Little Rock, Arkansas.

Respondents represented by RANDY P. MURPHY, Attorney, Little Rock, Arkansas.

STATEMENT OF THE CASE

Claimant filed a claim for workers' compensation benefits for an injury that she alleged occurred on October 20, 2023. Respondents accepted this claim as it related to her right hand and right arm, but denied any benefits were due to claimant for an alleged right shoulder injury.

On October 4, 2024, the above captioned claim came on for a hearing at Springdale, Arkansas, with the sole purpose of determining whether Ambetter is entitled to a subrogation lien in this matter under Ark. Code Ann. § 11-9-411. Ambetter is claimant's private health insurance carrier. Counsel for both parties appeared; claimant was excused by this court from this hearing. The parties produced letters which notified Ambetter that a settlement of this claim had been reached and asked that Ambetter advise if it has made any payments toward claimant's medical bills for treatment to her shoulder injury. Respondent represented that he had no response to his inquiries. On August 15, 2024, claimant's attorney advised that on August 15, 2024, he spoke with Brandon Dale, a representative of Rawlings which administers claims for Ambetter. Counsel explained that because respondent controverted the right shoulder portion of this claim, his client submitted a claim to

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Ambetter. Claimant's counsel heard nothing further from Ambetter or Rawlings.

The parties advised that neither attorney had received a notice of lien from Ambetter. Despite that lack of a lien being submitted to the parties, the parties and Ambetter were given notice of this hearing by certified mail, return receipt requested. U.S. Post Office records indicate that the notice was signed for on August 16, 2024. Both the claimant and the respondents were present at the hearing; however, no representative appeared for Ambetter. This matter has been controverted in its entirety by the respondents. No benefits have been paid of any kind and medical treatment was and has been denied by the respondents. After my consideration of this matter, I find the right shoulder injury has not been adjudicated as being work-related, and no lien has been submitted by Ambetter. As such, no potential subrogation lien exists in the current matter and this claim is released from any type of subrogation from Ambetter.

FINDINGS OF FACT & CONCLUSIONS OF LAW

The parties have shown there is no notice of a lien provided to the parties, and any medical expense for the claimant's right shoulder injury has not been determined to be due to a work-related incident. As such, there is no subrogation lien in this matter.

ORDER

Ambetter is not entitled to a subrogation lien pursuant to Ark. Code. Ann. §11-9-411 for any payments it has made for medical treatment to claimant's right shoulder.

IT IS SO ORDERED.

JOSEPH C. SELF
ADMINISTRATIVE LAW JUDGE