

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. H207289 & H302875

MARIBEL CANDIA-WEAVER, EMPLOYEE	CLAIMANT
COMPASS GROUP USA, INC., EMPLOYER	RESPONDENT
AIU INSURANCE, COMPANY, INSURANCE CARRIER	RESPONDENT
SEDGWICK CLAIMS MANAGEMENT SERVICES, INC., THIRD PARTY ADMINISTRATOR	RESPONDENT

OPINION DENYING THE MOTION TO DISMISS FILED APRIL 2, 2024

Hearing before Administrative Law Judge James D. Kennedy in Little Rock, Pulaski County, Arkansas on April 2, 2024.

Claimant is *pro se* and appeared and an interpreter was provided.

Respondents are represented by Mr. Rick Behring, Jr., Attorney-at-Law of Little Rock, Arkansas.

STATEMENT OF THE CASE

A hearing was held in the above-styled matter on April 2, 2024, in Little Rock, Arkansas on respondents' Motion to Dismiss for failure to prosecute pursuant to Arkansas Code Annotated §11-9-702 and Rule 099.13 of the Arkansas Workers' Compensation Act. The claimant was *pro se* and appeared for the hearing. The claimant had sustained a compensable injury to her hand/wrists while employed by the respondent/employer on or about September 4, 2022. Later, on September 14, 2022, the claimant sustained a second compensable injury. The treating physician determined that the claimant had reached MMI on or about June 20, 2023, and the claimant then requested a change of physician on or about September of 2023, which was granted, and the claimant was then seen and treated by Dr. Heard. The claimant, who still works for the respondent, contends that she was to receive additional physical therapy.

It was explained to the claimant that she has the burden of proof in regard to her claim(s) and that it would be in her best interest to again talk to the Legal Advisor Division of the Commission and Catherine Richart, who she had talked to in the past.

After a review of the record as a whole, to include all evidence properly before the Commission, and having an opportunity to hear the statements of the attorney for the respondent, and statements by the claimant, I find that the Motion to Dismiss should be denied at this time.

ORDER

Pursuant to the above statement of the case, there is no alternative but to deny the Motion to Dismiss at this time.

IT IS SO ORDERED.

JAMES D. KENNEDY
ADMINISTRATIVE LAW JUDGE