

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. **G906147**

JENNIFER WRIGHT	CLAIMANT
CASEY'S GENERAL STORES, EMPLOYER	RESPONDENT
EMC INSURANCE/CCMSI, CARRIER/TPA	RESPONDENT

OPINION/ORDER FILED MAY 28, 2021

Hearing before ADMINISTRATIVE LAW JUDGE JOSEPH C. SELF, in Fort Smith, Sebastian County, Arkansas.

Claimant appeared *pro se*.

Respondents represented by JARROD S. PARRISH, Attorney, Little Rock Arkansas.

OPINION/ORDER

On September 19, 2019, claimant filed Form AR-C, alleging a compensable injury on May 8, 2019. Claimant was not represented by counsel at the time this AR-C was filed, and no attorney has entered an appearance for her. On September 24, 2019, Respondents filed a Form AR-2, accepting this claim as a "medical only claim."

The next activity in the Commission's file after the initial filings referenced above was an undated handwritten request to change physicians that was apparently made in January 2020. On January 8, 2020, Susan Washington, an Administrative Assistant in the Medical Cost Containment Division requested claimant's file. On June 16, 2020, Susan Isaac, an RN with the Medical Cost Containment Division, wrote to claimant to advise that she was unable to find a physician to accept her as a workers' compensation patient. Claimant was instructed to call Ms. Isaac within ten (10) days if claimant still wanted to change physicians. The file does not indicate that claimant called or

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otherwise communicated with Ms. Isaac about this requested change of physicians. That was the final activity in this file before Respondents filed their Motion to Dismiss.

On April 5, 2021, Respondent filed a Motion to Dismiss, alleging that it had been more than six months since claimant filed her Form AR-C with the Commission, but she had not made a request for a hearing in that time. A hearing on Respondent's Motion to Dismiss was scheduled for May 25, 2021. Notice of the scheduled hearing was sent to Claimant by certified mail and was delivered on April 9, 2021. Claimant did not file a response to Respondent's motion but did appear in person at the hearing on May 25, 2021. At the hearing, Respondent's counsel introduced several exhibits and made an argument for dismissal. Following that argument in support of the Motion to Dismiss, claimant was asked if she objected to the dismissal. The following colloquy took place between claimant and the court:

THE COURT: In reviewing the file, I note there has been no activity in this case since you asked for a change of physicians. And I've got the letter on June 16, 2020 from Susan Isaac letting you know that physicians have reviewed the records and declined to accept you as a workers' compensation patient. In three weeks, that will be a year ago.

THE CLAIMANT: Yes.

THE COURT: And there has been no other activity in the file. And Mr. Parrish has correctly cited the rule that more than six months have passed and there has been no activity, then the case can be dismissed.

THE CLAIMANT: Yes.

THE COURT: And you are not giving me a reason not to.

THE CLAIMANT: No.

THE COURT: Okay. Then your motion will be granted.

Therefore, I find it has been more than six months since this matter was filed and that no request for a hearing has been made. After my review of the Respondent's motion, the Claimant's lack of written response, her failure to give me a reason at the hearing why this matter should not be

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dismissed, as well as all other matters properly before the Commission, I find that Respondent's Motion to Dismiss this claim should be and hereby is granted. This dismissal is pursuant to Commission Rule 099.13 and is without prejudice.

IT IS SO ORDERED.

JOSEPH C. SELF
ADMINISTRATIVE LAW JUDGE