

**BEFORE THE ARKANSAS WORKERS' COMPENSATION
COMMISSION**

CLAIM NO. F500542

LAKEISHA R. BATTLES, EMPLOYEE **CLAIMANT**

**CENTRAL MOLONEY, INC., EMPLOYER
SELF-INSURED** **RESPONDENT**

**CROCKETT ADJUSTMENT (TPA),
INSURANCE CARRIER** **RESPONDENT**

OPINION FILED OCTOBER 31, 2005

Hearing before Administrative Law Judge Cynthia Estes Rogers on October 28, 2005, Pine Bluff, Jefferson County, Arkansas.

Claimant failed to appear.

Respondents represented by Mr. Michael J. Dennis, Attorney at Law, Pine Bluff, Arkansas.

A full hearing was scheduled to be held on October 28, 2005, on the substantive merits of the above-styled case, wherein respondents moved, upon claimant's failure to appear for said hearing, that claimant's claim be dismissed pursuant to Rule 13 of the Arkansas Workers' Compensation Commission Rules.

The file reflects that a hearing was scheduled for October 28, 2005, to begin at 11:00 a.m. and notices were sent to all parties via certified mail, return receipt requested, on September 12, 2005. A copy of claimant's returned receipt showing that she received her notice on September 14, 2005, is herein made part of this record.

After waiting until 11:15 a.m., claimant had failed to appear for the hearing. Respondents respectfully moved for the claim to be dismissed under Rule 13. Said motion was taken under advisement at that time.

As of the date of this order, this office has received no word from claimant as to why she failed to appear for the hearing for which she received ample notice. As such, respondents' motion to dismiss claimant's claim is granted.

FINDINGS OF FACT

1. The Arkansas Workers' Compensation Commission has jurisdiction over this claim;
2. On October 28, 2005, claimant failed to appear for the scheduled full hearing on the merits of his case;
3. Respondents moved in open court for dismissal of claimant's claim pursuant to Rule 13;
4. Respondents' motion to dismiss claimant's claim is granted;
5. Claimant's claim is respectfully dismissed without prejudice..

DISCUSSION

Rule 13 of the Rules of the Arkansas Workers' Compensation Commission states, in part, as follows:

Upon meritorious application to the Commission from either party in an action pending before the Commission, requesting that the claim be dismissed for want of prosecution, the Commission *may*, upon

reasonable notice to all parties, enter an order dismissing the claim for want of prosecution. (Effective March 1, 1982.)

[Emphasis added.]

A review of the evidence shows that claimant failed to appear for her hearing and failed to contact the Commission following her failure to appear with any reasonable excuse for her failure to appear. As such, respondents' motion to dismiss claimant's claim is granted, and the claim is respectfully denied and dismissed without prejudice.

IT IS SO ORDERED.

CYNTHIA ESTES ROGERS
Administrative Law Judge