

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM F110292

**DEE BLACKWELL,
EMPLOYEE**

CLAIMANT

**ST. JOSEPH'S REGIONAL
HEALTH CENTER,
SELF-INSURED EMPLOYER**

RESPONDENT

**SISTERS OF MERCY
HEALTH SYSTEM,
BENEFITS ADMINISTRATOR**

RESPONDENT

OPINION FILED JUNE 1, 2005,

Pursuant to a hearing conducted March 3, 2005, before Administrative Law Judge Richard B. Calaway in Hot Springs, Garland County, Arkansas, with

Mr. Eric G. Hughes, Attorney at Law, Arkadelphia, Arkansas, appearing for the claimant; and

Mr. John D. Davis, Attorney at Law, Little Rock, Arkansas, appearing for the respondents.

STATEMENT OF THE CASE

This is a hearing to consider the motion to dismiss filed on behalf of the respondents.

The respondents contended that the claim should be dismissed. Specifically, they contended that the alleged injury occurred August 20, 2001, and some benefits were paid in order to determine if there were objective findings of an injury. Thereafter, the claim was controverted and the claimant filed a claim in January, 2003, but did not take additional steps to pursue the claim, so that a motion to dismiss was filed in October, 2004. Subsequently, a letter from claimant's attorney requesting a hearing was received and a telephone prehearing conference was scheduled and then cancelled after claimant's attorney indicated that he had lost contact with the claimant. The file was returned to general files and in January, 2005, the respondents again filed a motion to dismiss.

Claimant's counsel contended he did in fact lose contact with his client who had moved but that he now has relocated the client and is ready to proceed on the issues of compensability and related benefits, including the cost of the claimant's surgery.

Claimant's counsel offered to provide a current medical authorization and to respond to interrogatories propounded in November, 2004. The parties also agreed to schedule the claimant's deposition and respondents reserved the right to depose the treating physician. Accordingly, a telephone prehearing conference has been scheduled as follows: **10:00 a.m., Wednesday, July 13, 2005.**

The parties are requested to file current responses to the prehearing questionnaire. Because the claimant is now pursuing the claim, the motion to dismiss should be, and it is hereby, respectfully denied and dismissed.

IT IS SO ORDERED.

RICHARD B. CALAWAY
Administrative Law Judge