

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F406142

BETTY S. BROCK, EMPLOYEE	CLAIMANT
ST. PAUL TRAVELERS CO., INC., EMPLOYER	RESPONDENT
AMERICAN HOME ASSURANCE COMPANY, CARRIER	RESPONDENT

OPINION FILED SEPTEMBER 20, 2005

Hearing held June 23, 2005 before the HONORABLE DALE DOUTHIT, Administrative Law Judge, at Little Rock, Pulaski County, Arkansas.

Claimant appeared not.

Respondent appeared by HON. CAROL L. WORLEY, Attorney at Law, Little Rock, Arkansas.

STATEMENT OF THE CASE

On June 23, 2005, in Little Rock, Arkansas a hearing was conducted in this matter to consider the motion to dismiss filed on behalf of the respondents on April 21, 2005. The respondents contended in their motion to dismiss that the claimant has failed to prosecute her claim. The respondents' motion to dismiss contained a certificate of service upon the claimant at the address listed in the AWCC file.

On May 31, 2005, the Workers' Compensation Commission received a letter from the claimant stating she had no objection to the respondents' motion to dismiss. (Comm. Ex. "D")

This administrative law judge set a hearing date for the respondents' motion to be heard on June 23, 2005 at 10:30 a.m. A notice of the hearing setting out the hearing

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date, time and place was sent to the claimant by certified mail. A certified mail receipt was returned to this Commission indicating the certified letter was received at the claimant's address. (Comm. Ex. "C").

The claimant did not appear at the June 23, 2005 hearing.

Pursuant to Commission Rule 13, upon meritorious application to the Commission from either party in an action pending before the Commission, requesting 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.

Reasonable notice was provided to all parties in this matter.

More than six months have passed without the claimant seeking a hearing on her claim. Further, the claimant has indicated in writing that she has no desire to object to the motion to dismiss, and, she, failed to appear at the June 23, 2005 hearing.

Based on the reasons recited herein, and the record from the June 23, 2005 hearing, the respondents' motion to dismiss is hereby granted in the above-captioned matter and this claim is hereby dismissed, with prejudice, for failure to prosecute.

IT IS SO ORDERED.

DALE DOUTHIT
Administrative Law Judge