

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION**

**CLAIM F108784**

**JUDY ANN GILKEY,  
EMPLOYEE**

**CLAIMANT**

**YELL COUNTY, ARKANSAS,  
SELF-INSURED EMPLOYER**

**RESPONDENT**

**ARKANSAS ASSOC. OF COUNTIES  
WORKERS COMPENSATION TRUST;  
AAC RISK MANAGEMENT SERVICES,  
BENEFITS ADMINISTRATOR**

**RESPONDENT**

**OPINION FILED SEPTEMBER 2, 2005,**

Pursuant to a hearing conducted June 6, 2005, before Administrative Law Judge Richard B. Calaway in Little Rock, Pulaski County, Arkansas, with

Mr. Paul M. Gehring, Attorney at Law, Little Rock, Arkansas, appearing for the respondents; and

The claimant, proceeding pro se, failing to appear.

**STATEMENT OF THE CASE**

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

The respondents requested that this claim be dismissed for want of prosecution, pursuant to its motion filed February 16, 2005. A review of the record shows, inter alia, that the claimant injured her neck and right shoulder January 24, 2001, during her employment as a guard at the Yell County Juvenile Detention Center when she pulled hard on a cell door and felt sharp pain in her hand, upper arm, through her shoulder, and into her neck. Although in pain, she continued to work and reported the incident to her supervisor on Monday. On August 8, 2001, her Form AR-C was filed by her attorney, Mr. Jefferson K. Faught.

After a hearing on December 5, 2001, an Opinion dated February 28, 2002, found in favor of the claimant and awarded benefits. On appeal, in an Opinion dated October 14, 2002, a majority

of the Commission adopted the Findings of Fact and Conclusions of Law of the administrative law judge opinion holding in favor of the claimant. The respondents paid medical and indemnity benefits including a lump sum payment of permanent partial disability benefits in May, 2003, based upon an impairment rating of 6% to the body as a whole assessed by Dr. Russell Allison.

Thereafter, the Commission Order dated February 7, 2005, granted the motion of the claimant's attorney to withdraw as counsel.

The next activity in the file is the motion to dismiss received February 16, 2005. Notice of a hearing on the motion was sent to the claimant, pro se, and the claimant returned a handwritten response stating that she would not be able to attend the hearing and to send her something in the mail and she would sign it.

Accordingly, based on a review of the file and the response of the claimant to the motion to dismiss, the motion should be, and it is hereby, granted, and this claim is hereby dismissed without prejudice.

**IT IS SO ORDERED.**

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RICHARD B. CALAWAY  
Administrative Law Judge