

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F411286

ROSE M. JORDON, EMPLOYEE

CLAIMANT

**JEFFERSON REGIONAL MEDICAL
CENTER, EMPLOYER**

RESPONDENT

RISK MANAGEMENT RESOURCES, CARRIER

RESPONDENT

OPINION FILED JULY 25, 2005

Hearing before ADMINISTRATIVE LAW JUDGE ELIZABETH W. HOGAN, on July 22, 2005 at Pine Bluff, Craighead County, Arkansas.

The claimant failed to appear.

Respondents represented by the HONORABLE WILLIAM SHANE BRIDGFORTH, Attorney at Law, Pine Bluff, Arkansas.

ISSUES

A hearing was conducted to determine if this claim should be dismissed for failure to prosecute.

After review of the Commission's file, I find the claimant has not been diligent in pursuing her claim.

STATEMENT OF THE CASE

The claimant filed an AR-C on November 1, 2004, alleging a March 14, 2003 right wrist injury resulting in carpal tunnel syndrome. The respondents filed a Form 2 controverting the claim in November, 2004.

The case was assigned to the Litigation Division on December 27, 2004 and a prehearing notice was issued to the parties on December 30, 2004. In January, 2005, the respondents advised the Commission of difficulty in arranging the claimant's deposition.

The claimant filed a prehearing questionnaire and participated in the first telephone conference call. A prehearing order was issued February 25, 2005. Arrangements were made for the claimant to be examined by a physician but she did not keep the appointment.

A second prehearing conference was conducted but the claimant did not participate. A message was left on her answering machine and a prehearing order was issued April 22, 2005.

A third prehearing conference was conducted but the claimant did not participate. Again a message was left on her answering machine and a prehearing order was filed May 25, 2005.

The respondents filed a Motion to Dismiss for failure to prosecute on May 24, 2005. The Commission sent the claimant a second notice setting a deadline for her response. To date, there has been no reply. A separate notice was sent for the dismissal hearing. All notices have been sent to the claimant's last known address by certified mail.

FINDINGS AND CONCLUSIONS

Accordingly, I find the claimant has been given adequate notice of these proceedings and sufficient time to participate in discovery. Her failure to participate in the last two prehearing conferences; her decision not to follow-up with the medical examination; her lack of response to the Motion; and her failure to appear at the hearing convince me that the claimant has decided to abandon her claim.

Therefore, the respondents' Motion is hereby granted and this claim is hereby dismissed with prejudice pursuant to Rule 13 of the Arkansas Workers' Compensation Commission.

IT IS SO ORDERED.

ELIZABETH W. HOGAN
Administrative Law Judge