

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION**

**CLAIM F405691**

**MANDI L. LEWIS,  
EMPLOYEE**

**CLAIMANT**

**HOME DEPOT, INC.,  
EMPLOYER**

**RESPONDENT**

**AMERICAN HOME  
ASSURANCE CO.,  
INSURANCE CARRIER**

**RESPONDENT**

**OPINION FILED DECEMBER 7, 2005,**

Pursuant to a hearing conducted October 26, 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 Ms. Mandi L. Lewis, pro se, failing to appear.

**STATEMENT OF THE CASE**

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

A review of the record shows that on June 9, 2004, the Commission received a AR-C dated May 14, 2004, alleging an injury to the claimant's cervical spine due to a lifting incident on February 13, 2003. On June 23, 2004, the Commission received a Form AR-2 on behalf of the respondents controverting the claim and stating, "objective findings based on claimant's subjective complaints are non-occupational."

On July 20, 2004, the Commission received the claimant's request for a hearing. Thereafter, on September 14, a Notice of Voluntary Mediation Conference was sent to the parties for a conference scheduled for October 19, 2004. On September 29, 2004, the Commission received counsel's letter entering an appearance as attorney of record for the respondents and providing

interrogatories and requests for production to the claimant. On October 18, pursuant to the advice of counsel, including Mr. Kenneth A. Olsen, the Voluntary Mediation Conference was cancelled.

On March 8, 2005, Mr. Olsen entered an appearance as attorney of record and requested a hearing. A telephone prehearing conference was scheduled for April 12, 2005, and a hearing was scheduled on the issues of compensability of the claimant's alleged neck injury and the claimant's request for indemnity benefits and continuing medical care. The hearing was cancelled after the claimant failed to appear at her scheduled deposition and claimant's counsel lost contact with her. On August 2, 2005, the Commission entered an Order granting Mr. Olsen's request to be relieved as attorney of record for the claimant. On September 16, 2005, the Commission received the respondent's Motion to Dismiss and Brief in support. A hearing was scheduled on the Motion for October 26, 2005, and written notice of the hearing and a copy of the Motion was duly sent to the claimant at her last known address. The claimant failed to appear at the hearing.

Accordingly premises considered, it is hereby determined that the Motion to Dismiss should be granted and, therefore, this claim is hereby dismissed without prejudice.

**IT IS SO ORDERED.**

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RICHARD B. CALAWAY  
Administrative Law Judge