

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F400945

BEN MORRIS	CLAIMANT
VINES CO2 SERVICES, INC.	RESPONDENT
AIG CLAIM SERVICES, INC. INSURANCE CARRIER	RESPONDENT

OPINION FILED AUGUST 22, 2005

Hearing before ADMINISTRATIVE LAW JUDGE ELIZABETH DANIELSON in Springdale, Washington County, Arkansas.

Claimant represented by, but not in appearance, EVELYN BROOKS, Attorney, Fayetteville, Arkansas.

Respondents represented by CAROL WORLEY, Attorney, Little Rock, Arkansas.

STATEMENT OF THE CASE

The respondents filed a Motion to Dismiss for Failure to Prosecute under Rule 13 of the Workers' Compensation Commission. A pre-hearing order had previously been entered on April 28, 2004, setting the case for a full hearing on the issue of compensability, TTD and entitlement to medical treatment for the claimant for June 15, 2004, at the Springdale office. The claimant's attorney had contacted the Commission by letter dated June 1, 2004, that he was requesting that the case be removed from the hearing docket since he had been unable to contact the claimant. A hearing on the respondents' Motion to Dismiss was set for July 5, 2005, at 12:15 p.m. in the Springdale office. At the scheduled hearing, the respondents were present through their attorney and the claimant nor his attorney appeared for the scheduled hearing. After waiting fifteen minutes past the full hearing scheduled time, the hearing was begun with introduction of evidence and a verbal request from

the respondents' attorney to dismiss the claimant's claim for lack of prosecution.

After a review of the evidence and in light of no response from the claimant, the respondents' Motion to Dismiss for Failure to Prosecute under Rule 13 is hereby granted.

IT IS SO ORDERED.

---

ELIZABETH DANIELSON  
ADMINISTRATIVE LAW JUDGE