

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM F310995

**GWENDOLYN S. WEST,
EMPLOYEE**

CLAIMANT

**REGIONS FINANCIAL CORP.,
EMPLOYER**

RESPONDENT

**FEDERAL INS. CO.,
INSURANCE CARRIER**

RESPONDENT

OPINION FILED JUNE 3, 2005.

Pursuant to a hearing conducted March 9, 2005, before Administrative Law Judge Richard B. Calaway in Little Rock, Pulaski County, Arkansas, with

Mr. James C. Baker, Jr., 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 contended that the claim should be dismissed pursuant to its request received by the Commission January 3, 2005.

The claimant failed to appear at the hearing. Written notice of the hearing and the respondent's request for a dismissal was provided to the claimant pursuant to a letter dated February 15, 2005, by regular and certified mail. The certified mail was returned but the regular mail was not returned to the Commission.

A review of the file shows that the claimant sustained a compensable injury August 14, 2003, and filed an AR-C, which was received by the Commission November 14, 2003. A prehearing conference was conducted on or about May 18, 2004, where the claimant contended that she should be awarded additional benefits, including medical benefits, and the respondents contended that the

compensable injury had resolved and the claimant was not entitled to additional benefits. The claimant was permitted additional time to retain counsel before proceeding, and the file was returned to general files. Since that time, there has been no additional action by the claimant or her attorney.

Accordingly, due to the claimant's failure to respond to the motion to dismiss and failure to appear at the hearing, as well as a review of the file, it appears that the motion should be, and it is hereby granted and this claim should be, and it is hereby, dismissed without prejudice.

IT IS SO ORDERED.

RICHARD B. CALAWAY
Administrative Law Judge