

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION**

**CLAIM F401908**

**TOMEKIA WILLIAMS,  
EMPLOYEE**

**CLAIMANT**

**K-MAC ENTERPRISES, INC.,  
D/B/A TACO BELL 574,  
EMPLOYER**

**RESPONDENT**

**WAUSAU UNDERWRITERS,  
INSURANCE CARRIER**

**RESPONDENT**

**OPINION FILED DECEMBER 6, 2005,**

Pursuant to a hearing conducted October 26, 2005, before Administrative Law Judge Richard B. Calaway in Little Rock, Pulaski County, Arkansas, with

Mr. Guy Alton Wade, Attorney at Law, Little Rock, Arkansas, appearing for the respondents, and Ms. Tomekia Williams, 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 the claimant reported to the employer that she injured her right wrist on or about June 1, 2003, when she slipped and fell while mopping the floor at work. The only record of medical care indicates that she was seen at the Baptist Health Emergency Department June 11, 2003, where she was examined, underwent an MRI scan, was prescribed Advil and moist heat, and advised to re-check in ten days if no better.

On October 20, 2004, the Commission received a Form AR-2 on behalf of the respondents controverting the claim because there were no objective findings to support a compensable injury. Thereafter, a legal advisor conference was offered to the claimant, but the claimant failed to respond

to the questionnaire or attend the conference. On January 18, 2005, the file was forwarded for assignment to an administrative law judge.

On January 19, 2005, a letter was sent to the parties scheduling a telephone prehearing conference for February 22, 2005. On January 31, 2005, the Commission received a January 28 letter from counsel for the respondents entering an appearance as attorney of record. The claimant did not respond to the prehearing questionnaire and was not available for the telephone prehearing conference. The claimant also failed to respond to discovery filed on behalf of the respondents. An Order dated February 22, 2005, indicated that the file would be returned to general files and that the claimant had not been available for the telephone prehearing conference.

The claimant made no further effort to pursue the claim and on September 16, 2005, the Commission received the Motion to Dismiss filed on behalf of the respondents. A hearing was scheduled for October 26, 2005, and notice of the hearing and a copy of the Motion to Dismiss was duly provided 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.**

---

RICHARD B. CALAWAY  
Administrative Law Judge