

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F306633

SHEILA J. WILSON, EMPLOYEE	CLAIMANT
WAL-MART ASSOCIATES, INC. SELF-INSURED EMPLOYER	RESPONDENT
CLAIMS MANAGEMENT, INC., TPA	RESPONDENT

OPINION FILED SEPTEMBER 9, 2005

Hearing held June 14, 2005 before the HONORABLE DALE DOUTHIT, Administrative Law Judge, at El Dorado, Union County, Arkansas.

Philip M. Wilson, Attorney of Record for claimant, Little Rock, Arkansas, did not appear at the hearing.

Respondent was represented by HON. AMY S . HUFFMAN, Attorney at Law, Little Rock, Arkansas.

STATEMENT OF THE CASE

On June 14, 2005, in El Dorado, Arkansas, a hearing was conducted in this matter to consider the motion to dismiss filed on behalf of the respondents on April 21, 2005. The respondents' motion to dismiss contained a certificate of service upon

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claimant's attorney of record, Mr. Philip M. Wilson. On April 28, 2005, this Administrative Law Judge sent a copy of respondents motion to the claimant and her attorney, requesting a response be filed within ten (10) business days. (CX-1) To date, no response to the respondents' motion was ever filed.

The record reflects the claimant sustained a compensable injury on June 13, 2003, for which the respondents accepted and paid some benefits. On July 11, 2003, the claimant filed an AR-C with the Commission. The claimant received a change of physician on March 31, 2004. Subsequent to March 31, 2004, no steps have been taken by the claimant or her attorney to prosecute her claim.

Pursuant to Commission Rule 13, upon meritorious application to the Commission from either party in an action pending before the commission, requesting the claim be dismissed for want of prosecution, the Commission may, upon reasonable notice to all parties, enter an order dismissing the claim for want of prosecution.

Reasonable notice was provided to both the claimant and her attorney concerning the motion to dismiss and the hearing date. (CX-2 & 3)

Well over one year has passed since any action whatsoever has occurred on the claimant's behalf. Further, the claimant and her attorney have failed to respond to the respondents' motion, or to appear at the hearing on said motion. The claimant is

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wholly in default with regard to respondents' motion and has failed to adequately prosecute her claim.

Based on the reasons recited herein, and the record from the June 14, 2005 hearing, the respondents' motion to dismiss is hereby granted in the above-captioned claim and is dismissed without prejudice for failure to prosecute.

IT IS SO ORDERED.

DALE DOUTHIT
Administrative Law Judge