

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. E709892/F213287/E801705

THOMAS WILSON	CLAIMANT
ARMSTRONG TOOLS, INC.	RESPONDENT
GAB ROBINS NORTH AMERICA INSURANCE CARRIER	RESPONDENT

OPINION FILED AUGUST 22, 2005

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

Claimant represented by EVELYN BROOKS, Attorney, Fayetteville, Arkansas.

Respondents represented by JEREMY SWEARINGEN, Attorney, Little Rock, Arkansas.

STATEMENT OF THE CASE

The respondents filed a Motion to Dismiss for want of Prosecution with the Commission on May 11, 2005. By letter dated May 31, 2005, the claimant's objected to the respondents' Motion to Dismiss and requested a hearing. This letter was filed with the Commission on June 2, 2005. A hearing was scheduled on the respondents' Motion for June 21, 2005, at 10:00 a.m. in the Springdale office.

At the hearing, the respondents stated that medical treatment for this claimant had been controverted subsequent to a report from Dr. Mulholland dated May 29, 2005. The claimant's attorney stated that a request for hearing would be filed asking for additional medical treatment subsequent to March 29, 2005. By letter in the Commission's file dated July 25, 2005, the claimant, through his attorney, has requested that a hearing be set on the issue of his entitlement to additional medical treatment.

DISCUSSION

Based upon the evidence as well as information in the Commission's file and statements by the party's representatives, I find that the respondents' Motion to Dismiss for Want of Prosecution should be denied.

IT IS SO ORDERED.

ELIZABETH DANIELSON
ADMINISTRATIVE LAW JUDGE