

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM F411600

**DAVID K. ADAMS,
EMPLOYEE**

CLAIMANT

**CITY OF LITTLE ROCK,
SELF-INSURED EMPLOYER**

RESPONDENT

**RISK MANAGEMENT RESOURCES,
BENEFITS ADMINISTRATOR**

RESPONDENT

OPINION FILED APRIL 26, 2006,

Pursuant to a hearing conducted March 1, 2006, before Administrative Law Judge Richard B. Calaway in Little Rock, Pulaski County, Arkansas, with

Ms. Betty J. Demory, Attorney at Law, Little Rock, Arkansas, appearing for the claimant, and

The claimant, pro se, not appearing.

STATEMENT OF THE CASE

This was a hearing to address the Motion to Dismiss for failure to prosecute, filed on behalf of the respondents.

A review of the record shows that on June 14, 2004, the claimant suffered injuries, initially accepted as compensable by the respondents, who initiated payment of medical benefits. Thereafter, on November 3, 2004, the Commission received a Form AR-C, dated October 27, 2004, alleging that the claimant injured his neck, both shoulders, both arms, and both wrists on June 14, 2004, while pulling up to get into the track hoe, and requesting additional medical expenses and mileage reimbursement. On November 5, 2004, the Commission received the Form AR-2 indicating that the claim was accepted as a medical-only claim. The Commission also received a First Report of Injury or Illness indicating that the claimant suffered a strain to his left shoulder on June 14, 2004. The respondent's representative also wrote the Commission stating that mileage had been reimbursed but

only for the distance between City Hall, where the claimant was employed, and the medical providers, even though the claimant was actually traveling from his home in Bauxite to medical providers in Little Rock. The letter also stated that respondents specifically controverted entitlement to mileage exceeding that amount. The claimant was informed of the position of the respondents by a letter from a legal advisor dated November 18, 2004. The claimant then requested a hearing, alleging that the respondents had closed the case without addressing issues such as a change of physician or an additional medical expense and medical mileage.

Thereafter, a Change of Physician Order was entered changing the claimant's physician from Dr. Kent Davidson to Dr. Syed Ashfaq Hasan. The record also shows that the claimant was examined by Dr. Hasan January 21, 2005. Thereafter, on January 30, 2006, the Commission received the Motion to Dismiss filed on behalf of the respondents and a Hearing was scheduled for March 1, 2006. Notice of the Hearing was sent by certified and regular mail to the claimant who sent a written response stating that he was unable to attend the hearing due to illness and that he agreed to dismiss the claim.

Accordingly, premises considered, the Motion to Dismiss should be, and it is hereby, granted and the claim for additional benefits in this matter is hereby dismissed without prejudice.

IT IS SO ORDERED.

RICHARD B. CALAWAY
Administrative Law Judge