

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM F506541

**CHARLES A. ANDERSEN,
EMPLOYEE**

CLAIMANT

**WAL MART ASSOCIATES, INC.,
SELF-INSURED EMPLOYER**

RESPONDENT

**CLAIMS MANAGEMENT, INC.,
BENEFITS ADMINISTRATOR**

RESPONDENT

OPINION FILED APRIL 24, 2006,

Pursuant to a hearing conducted February 15, 2006, before Administrative Law Judge Richard B. Calaway in Little Rock, Pulaski County, Arkansas, with

Ms. Kathryn E. Hall, Attorney at Law, Little Rock, Arkansas, appearing for the respondents, and

Mr. Charles A. Anderson, pro se, failing to appear.

STATEMENT OF THE CASE

This was a hearing to consider the motion to dismiss for failure to prosecute, filed on behalf of the respondents.

A review of the record shows that the claimant filed a Form AR-C dated June 21, 2005, received by the Commission on June 27, 2005, alleging injuries to his sinuses, eyes, throat, and lungs as a result of exposure to a chemical fog at work. He requested benefits for temporary total disability, medical expenses, and damages because his 1993 Toyota Forerunner was repossessed.

Respondents filed a Form 2, the Employer's Intent To Accept Or Controvert Claim, dated July 1, 2005, and received by the Commission July 5, 2005, stating that the claim was being denied as "not compensable under laws of Arkansas."

Respondent's counsel propounded discovery to the claimant by a letter dated July 11, 2005. However, the claimant has made no response to the discovery efforts of the respondents.

On December 30, 2005, the Commission received the Motion to Dismiss dated December 29, 2005, and the Hearing was scheduled for February 15, 2006, by correspondence which was sent by certified and regular mail to the claimant at his last known address and which included a copy of the Motion filed by the respondents. Similarly, the respondents served copies on the claimant by mail on December 29, 2005.

The claimant failed to appear at the hearing and has failed to prosecute his claim after filing the AR-C form. He has also failed to respond to the discovery propounded by the respondents and has generally abandoned his claim.

For the foregoing reasons, it is hereby found that the Motion should be, and it is hereby, granted and this claim is dismissed without prejudice.

IT IS SO ORDERED.

RICHARD B. CALAWAY
Administrative Law Judge