

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM F402742

**CLAUDIA K. CONNERLY,
EMPLOYEE**

CLAIMANT

**RICHARD GLATTER, INC.,
EMPLOYER**

RESPONDENT

**ARGONAUT INSURANCE CO.,
INSURANCE CARRIER**

RESPONDENT

OPINION FILED MAY 3, 2006,

Pursuant to a hearing conducted May 2, 2006, before Administrative Law Judge Richard B. Calaway in Little Rock, Pulaski County, Arkansas, with

Mr. William C. Frye, Attorney at Law, Little Rock, Arkansas, appearing for the respondents, and

Ms. Claudia K. Connerly, 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 on March 16, 2004, the Commission received a First Report of Injury or Illness dated March 8, 2004, indicating that the claimant had reported an injury to her right arm when she fell in the break room on March 4, 2004. On March 17, 2004, a Form AR-2 dated March 15, 2004, was received by the Commission indicating that the claim was not compensable because the injury occurred during a break.

After speaking with a legal advisor, the claimant requested a hearing and a telephone prehearing conference was conducted on July 21, 2004. During the prehearing telephone conference with the claimant and Mr. William C. Frye, it was determined that the parties agreed that the employment relationship existed at all pertinent times, including March 4, 2004, when the claimant's

average weekly wage was \$540.00 and she slipped and fell at work, fracturing her right arm. At that time, the claimant contended that she should be awarded benefits, including medical expenses, while the respondents contended that the claim was not compensable because employment services were not being performed at the time of the injury. The parties agreed to cooperate in reviewing medical expenses and the claimant agreed to sign a medical authorization form provided by the respondents. The file was returned to general files for completion of discovery and possible settlement negotiations. Following the telephone prehearing conference, no additional action was taken on behalf of the claimant and on March 28, 2006, the Commission received the Motion to Dismiss filed on behalf of the respondents. A Notice of Hearing and a copy of the Motion were sent to the claimant by Certified and Regular Mail at her last known address. However, the claimant failed to appear at the hearing and failed to respond to the Motion filed on behalf of the respondents. Accordingly, it appears that the claimant has failed to prosecute her case and the Motion should be granted.

Accordingly, premises considered, it is hereby found and determined that the Motion should be, and it is hereby, granted, and this claim is respectfully dismissed without prejudice.

IT IS SO ORDERED.

RICHARD B. CALAWAY
Administrative Law Judge