

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM F401925

**JONATHAN EDOM,
EMPLOYEE**

CLAIMANT

**180 CONNECT, INC., D/B/A
IRONWOOD COMMUNICATIONS,
EMPLOYER**

RESPONDENT

**LIBERTY MUTUAL FIRE
INSURANCE COMPANY,
INSURANCE CARRIER**

RESPONDENT

OPINION FILED APRIL 25, 2006,

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

Mr. Philip M. Wilson, Attorney at Law, Little Rock, Arkansas, representing the claimant, not appearing, and

Mr. Eric Newkirk, Attorney at Law, Little Rock, Arkansas, appearing for the respondents.

STATEMENT OF THE CASE

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

The record shows that on January 3, 2004, the claimant sustained a compensable injury to his right knee when he fell from a ladder during his employment with the respondent employer.

On February 23, 2004, the Commission received a First Report of Injury or Illness indicating that the claimant had suffered a fracture as a result of the fall. A Form AR-2 received March 12, 2004, indicated that the claim was being accepted as a medical-only claim. On March 18, 2004, a Form AR-2 was received by the Commission indicating that the claimant was receiving temporary total disability benefits. On or about April 1, 2004, claimant's counsel filed a Form AR-C on behalf

of the claimant. On April 29, 2004, a letter from respondent's counsel dated April 28, 2004, was received by the Commission indicating that the claim had been accepted as compensable but the claimant was not entitled to temporary total disability benefits because light duty work was available but declined by the claimant.

On August 24, 2004, the Commission received a letter from claimant's counsel dated August 20, 2004, requesting a hearing to address the issue of the failure of the respondents to answer interrogatories. A telephone prehearing conference was scheduled for September 22, 2004. However, after counsel for the parties conferred, the telephone prehearing conference was cancelled because the issue had been resolved amicably without the necessity of a hearing.

Thereafter, no other activity occurred in the file until the Motion to Dismiss was filed on behalf of the respondents on January 23, 2006. There was no written response to the Motion but claimant's counsel orally advised that the claimant was no longer cooperating with claimant's counsel and, consequently, there was no objection to an Order of Dismissal without prejudice.

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

IT IS SO ORDERED.

RICHARD B. CALAWAY
Administrative Law Judge