

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION**

**CLAIM F508377**

**SHAWN FEE,  
EMPLOYEE**

**CLAIMANT**

**LITTLE ROCK DODGE, INC.,  
SELF-INSURED EMPLOYER**

**RESPONDENT**

**RAMSEY, KRUG, FARRELL &  
LENSING, RISK MANAGEMENT  
RESOURCES DIVISION,  
BENEFITS ADMINISTRATOR**

**RESPONDENT**

**OPINION FILED JULY 14, 2006,**

Pursuant to a hearing conducted July 11, 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 respondents, and

Mr. Shawn Fee, Little Rock, Arkansas, pro se, failing to appear.

**STATEMENT OF THE CASE**

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

A review of the file shows that on August 12, 2005, a Form AR-C was filed by claimant's former counsel on behalf of the claimant alleging that the claimant had suffered an injury to a finger that had become infected and had resulted in the loss of the finger, as well as a permanent infection. Benefits for indemnity, rehabilitation, and medical expenses, as well as an attorney's fee, were requested. The injury allegedly occurred on or about November 21, 2003.

The respondents filed a Form AR-2 controverting the claim and contending that the injury did not occur in the course and scope of the claimant's employment.

On October 27, 2005, the Commission received a request from claimant's former counsel that a hearing be scheduled.

A telephone prehearing conference was scheduled for December 7, 2005. At that time, the claimant again contended that he suffered a compensable injury to his finger which had caused compensable consequences, so that he was entitled to benefits for temporary total disability and medical care, as well as an attorney's fee for controversion. The respondents contended that the claimant did not sustain an injury arising out of and in the course of his employment. Because discovery was not complete, the file was returned to general files.

Little activity took place in the file after that and on April 11, 2006, the Commission received a Motion to Dismiss filed on behalf of the respondents. There was no response to the Motion and a Hearing was scheduled for May 15, 2006. Thereafter, on April 14, 2006, the Commission received a response on behalf of the claimant indicating that discovery was ongoing and the claim should not be dismissed.

The Hearing was cancelled and a prehearing telephone conference was scheduled for May 24, 2006. On April 17, 2006, an Order was entered granting the Motion of claimant's counsel to withdraw as Attorney of Record. The prehearing conference scheduled for May 24 was attempted, without success, due to the failure of the claimant to appear.

On May 25, 2006, the Commission received a second Motion to Dismiss filed on behalf of the respondents and a Hearing was scheduled for July 11, 2006. Notice of the Hearing was provided to the claimant at his last known address by certified and regular mail. There was no response to the Motion to Dismiss and the claimant failed to appear at the Hearing. Respondent's counsel also indicated that she had not been in contact with the claimant after the Motion had been filed.

Accordingly, the Motion should be, and it is hereby, granted, and this claim is hereby dismissed without prejudice.

**IT IS SO ORDERED.**

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RICHARD B. CALAWAY  
Administrative Law Judge