

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM F313072

**BARBARA G. LEJEUNE,
EMPLOYEE**

CLAIMANT

**M & W SUBWAY, INC.,
EMPLOYER**

RESPONDENT

**COMMERCE& INDUSTRY
INSURANCE CO.,
INSURANCE CARRIER**

RESPONDENT

OPINION FILED JULY 11, 2006,

Pursuant to a hearing conducted July 11, 2006, before Administrative Law Judge Richard B. Calaway in Little Rock, Pulaski County, Arkansas, with

Mr. John P. Talbot, Attorney at Law, Pine Bluff, Arkansas, appearing for the respondents, and

The claimant, 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 December 12, 2003, the Commission received a Form AR-C filed on behalf of the claimant by her counsel indicating that she suffered compensable injuries during a motor vehicle accident and should be awarded various benefits. After a telephone prehearing conference in September, 2005, a Hearing was scheduled for November 17, 2005, to consider the primary issue of compensability. However, shortly before that date, the Hearing was cancelled at the request of claimant's counsel to allow for additional medical discovery, including the deposition of a physician. The file was returned to general files.

On February 7, 2006, the Commission received a request on behalf of the respondents to have the Hearing rescheduled. By correspondence dated February 14, 2006, a telephone prehearing

conference was scheduled for March 23, 2006. Responses to the prehearing questionnaire were filed on behalf of the respondents March 6, 2006. On March 21, 2006, a Motion to Withdraw as Attorney of Record was filed by claimant's counsel. On March 22, 2006, an Order granting that Motion was entered. The telephone prehearing conference scheduled for March 23, 2006, was attempted without success due to the unavailability of the claimant, while the respondents were represented by Mr. Talbot.

On June 5, 2006, a Motion to Dismiss was filed on behalf of the respondents. On June 8, 2006, Notice of the Hearing on that Motion and a copy of the Motion were sent by certified and regular mail to the claimant at her last known address. No response on behalf of the claimant was received by the Commission or the respondents and the claimant failed to appear at the hearing.

Accordingly, 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