

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION**

**CLAIM F508165**

**JACK D. PALISE,  
EMPLOYEE**

**CLAIMANT**

**DELTA PLASTICS, INC.,  
EMPLOYER**

**RESPONDENT**

**CHUBB INDEMNITY  
INSURANCE CO.,  
INSURANCE CARRIER**

**RESPONDENT**

**OPINION FILED AUGUST 10, 2006,**

Pursuant to a hearing conducted August 10, 2006, before Administrative Law Judge Richard B. Calaway in Hot Springs, Garland County, Arkansas, with

Mr. David C. Jones, Attorney at Law, Little Rock, Arkansas, appearing for the respondents, and

Mr. Jack D. Palise, Hot Springs, 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 8, 2005, the Commission received a First Report of Injury or Illness filed by the respondents, stating that the claimant had reported an injury to his right elbow occurring July 21, 2005, related to the use of a mold machine, and that the claimant had received care at the Hollywood Avenue Family Clinic. On August 8, 2005, the Commission also received a letter dated August 5 from the insurance carrier indicating that they had received the claim on July 26, 2005, and needed an additional thirty days to respond. On August 25, 2005, the Commission received notice from the insurance carrier that the claim was controverted in its entirety.

In a September 7, 2005, letter, counsel for the respondents gave notice of their representation and stated that the respondents initially sent the claimant for medical treatment but an MRI failed

to reveal significant objective findings of an injury and the claimant on several occasions failed to cooperate in giving a statement concerning the incident. The claimant also failed to respond to discovery requests of the respondents.

On September 26, 2005, the Commission received a Form AR-C filed by the claimant alleging an injury to his right elbow on July 25, 2005, and requesting temporary partial disability. The case was assigned to the adjudication division and a telephone prehearing conference was scheduled for December 12, 2005. Respondents filed a response to the prehearing questionnaire, but the claimant did not. The prehearing conference order indicates that the claim had been controverted and that the claimant requested additional medical care for the condition of his right elbow, which the respondents denied. The order noted that the claimant had been advised of his right to have an attorney and his right to proceed without an attorney. The claimant indicated he would consult counsel and the parties agreed that they would confer in order to determine if the issue of additional medical care could be resolved without the necessity of a hearing. The file was returned to general files at that time.

On July 12, 2006, the Commission received the Motion to Dismiss filed by the respondents. No response was received from the claimant. A hearing was scheduled for August 10, 2006, and written notice of the hearing, dated July 14, 2006, was sent to the claimant by certified and regular mail at his last known address. The claimant failed to appear at the hearing and appears to have abandoned his claim.

Accordingly, the Motion should be, and it is hereby, granted, and this claim for additional benefits is denied without prejudice.

**IT IS SO ORDERED.**

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RICHARD B. CALAWAY  
Administrative Law Judge