

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F501758

ROBERT J. SULLIVAN

CLAIMANT

**WAL-MART STORES, INC.
(SELF-INSURED)**

RESPONDENT EMPLOYER

ORDER AND OPINION FILED SEPTEMBER 12, 2006

Hearing before Administrative Law JUDGE LINDA K. MARSHALL.

Claimant is pro se.

Respondents represented by the HONORABLE KATHRYN HALL, Attorney at Law,
Little Rock, Arkansas.

STATEMENT OF THE CASE

A hearing was held to determine whether the above claim should be dismissed for lack of prosecution pursuant to Ark. Code Ann. §11-9-702(d) and Commission Rule 099.13 and due process. The claimant appeared at the hearing as well as the attorney for the respondents.

The claimant sustained an injury to his left foot on February 3, 2005, when a pallet jack rolled over his foot. Respondents initially denied the claim but later accepted the claim and paid certain benefits. The only issue in dispute is a \$760 medical bill where the claimant initially went to the emergency room. It was the claimant's belief that the assistant manager, Chris, okayed him to seek medical attention. The claimant testified that Chris asked him if he wanted his foot looked at and the claimant responded that he did and Chris said, "Okay." The claimant went to the emergency room and had an x-ray and the \$760 medical bills stem from that one visit. The

claimant believed the visit was authorized and respondents contend it was unauthorized.

Since it is apparent there is a legitimate dispute and the claimant has not conceded that he does not want to pursue this claim, I am denying the respondents' request to dismiss the claim.

Respondents' motion to dismiss this claim is respectfully denied.

IT IS SO ORDERED.

**LINDA K. MARSHALL
ADMINISTRATIVE LAW JUDGE**