

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM F508288

**CHARMELLA WARE,
EMPLOYEE**

CLAIMANT

**DICKERSON LAW FIRM, PA,
EMPLOYER**

RESPONDENT

**WEST AMERICAN INS. CO.,
INSURANCE CARRIER**

RESPONDENT

OPINION FILED JANUARY 20, 2006,

Pursuant to a hearing conducted January 18, 2006, before Administrative Law Judge Richard B. Calaway in Little Rock, Pulaski County, Arkansas, with

Ms. Charmella Ware, Little Rock, Arkansas, pro se, failing to appear, and

Mr. Andrew M. Ivey, Attorney at Law, Little Rock, Arkansas, appearing for the respondents.

STATEMENT OF THE CASE

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

A review of the record shows that the claimant has alleged that she sustained compensable injuries during her employment on or about August 2, 2005, but has not filed a claim form. A First Report of Injury or Illness dated August 4, 2005, was filed on behalf of the respondents and, accordingly, the Commission opened its file. A Form AR-2 dated August 11, 2005, was filed on behalf of the respondents, controverting the claim. On August 18, 2005, the Commission received a handwritten request for mediation signed by the claimant. An undated request for a hearing was also received by the Commission and the case was assigned to this administrative law judge. A telephone prehearing conference, scheduled for October 7 was not conducted due to the unavailability of the claimant by telephone, although counsel for the respondents participated in the

conference call. An Order was entered returning the file to general files in order for discovery to be completed and for the claimant to execute a medical authorization.

On December 2, 2005, the Commission received the Motion to Dismiss filed on behalf of the respondents.

Since the notice of the prehearing conference, the respondents have properly responded to the prehearing questionnaire and have attempted to conduct discovery by way of interrogatories and requests for production of documents. During this time, the claimant has not responded to the prehearing questionnaire, has not cooperated with the discovery efforts of the respondents, and has failed to appear at the hearing and the prehearing conference and has also failed to offer an explanation for her apparent abandonment of this claim.

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

IT IS SO ORDERED.

RICHARD B. CALAWAY
Administrative Law Judge