

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION**

**CLAIM F509398**

**APRIM M. ZOMAYA,  
EMPLOYEE**

**CLAIMANT**

**INTERSTATE HIGHWAY  
SIGN CORPORATION,  
EMPLOYER**

**RESPONDENT**

**LIBERTY MUTUAL  
INSURANCE COMPANY,  
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. Michael E. Ryburn, Attorney at Law, Little Rock, Arkansas, appearing for the respondents, and

Mr. Terence C. Jensen, Attorney at Law, Benton, Arkansas, appearing for the claimant.

**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 indicates that the claimant, a 30-year employee of the respondent employer, filed a Form AR-C December 29, 2005, indicating that he had suffered a back or spine injury on or about July, 2005. Previously, a file had been opened based upon a First Report of Injury Form filed September 2, 2005, by the employer and indicating a disc disease on or about August 24, 2005. It appears that the claimant alleges a gradual injury to his back as a result of lifting at work over a period of time. This claim has been controverted in its entirety.

A telephone prehearing conference was conducted May 16, 2006, and claimant's counsel indicated that a hearing was not necessary at that time and, further, that he might file a Motion to Withdraw as Attorney of Record for the claimant.

Accordingly, the respondents directed their attorney to file a Motion to Dismiss. No response was filed to the Motion but claimant's counsel appeared at the Hearing and advised that he had been asked by his client to investigate the claim further. The claimant has been examined by Dr. Jay Holland and claimant's counsel intends to inquire with Dr. Holland by letter concerning medical issues that relate to compensability of the claim. He requested sixty days to complete his discovery and to confer with his client about the status of the claim. This request was granted.

Accordingly, the Motion to Dismiss, should be, and it is hereby, respectfully, denied and dismissed.

**IT IS SO ORDERED.**

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RICHARD B. CALAWAY  
Administrative Law Judge