

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F609395

PATRICIA BERNAL-NUNEZ, Employee	CLAIMANT
WAL-MART STORES, INC., Employer	RESPONDENT
CLAIMS MANAGEMENT, INC., Carrier	RESPONDENT

OPINION/ORDER FILED OCTOBER 5, 2007

Hearing before ADMINISTRATIVE LAW JUDGE GREGORY K. STEWART in Springdale, Washington County, Arkansas.

Claimant represented by EVELYN BROOKS, Attorney, Fayetteville, Arkansas.

Respondents represented by TOD BASSETT, Attorney, Fayetteville, Arkansas.

OPINION/ORDER

This case comes on for review following a hearing on respondent's motion to dismiss.

After my review of the respondent's motion, the claimant's objection thereto, and all other matters properly before this Commission, I find that the respondent's motion to dismiss this claim should be and hereby is denied.

The respondent filed a motion to dismiss this claim on June 25, 2007, alleging that more than six months had expired without a hearing being requested and also alleging that claimant was failing to prosecute the claim. A hearing was scheduled and conducted on the respondent's motion on September 19, 2007. At that time, the claimant's attorney indicated that she was attempting to obtain additional medical records and that once those records were obtained a hearing would be requested. Given this assertion by claimant's attorney, I do not find that claimant is failing to prosecute her claim.

Accordingly, for the foregoing reasons, I find that the respondent's motion to dismiss this claim should be denied.

The respondents are ordered to pay the court reporter's charges for preparing the hearing transcript in the amount of \$101.50.

IT IS SO ORDERED.

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GREGORY K. STEWART  
ADMINISTRATIVE LAW JUDGE