

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION**

**CLAIM F412040**

**LARRY MICHAEL HARDCASTLE,  
EMPLOYEE**

**CLAIMANT**

**SOUTHWEST AIRLINES CO.,  
EMPLOYER**

**RESPONDENT**

**ACE AMERICAN  
INSURANCE CO.,  
INSURANCE CARRIER**

**RESPONDENT**

**OPINION FILED JUNE 4, 2007,**

Pursuant to a hearing conducted April 11, 2007, before Administrative Law Judge Richard B. Calaway in Little Rock, Pulaski County, Arkansas, with

Mr. Steven R. McNeely, Attorney at Law, Little Rock, Arkansas, appearing for the claimant and

Mr. J. Matthew Mauldin, 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.

On October 18, 2004, the claimant suffered an injury to his right knee arising out of and in the course of his employment with Southwest Airlines Co. His claim for benefits was denied and a hearing was scheduled April 19, 2005. At that hearing, the claimant contended he suffered a compensable injury and should be awarded benefits, including medical expenses, such as the expenses of surgery, and temporary total disability benefits until March 23, 2005, when he returned to work. An attorney's fee was also requested. The Opinion of the Administrative Law Judge found the claim to be compensable and awarded benefits as requested by the claimant and was not appealed.

The respondents paid benefits pursuant to the Opinion, as well as additional benefits for permanent impairment, when an impairment rating was rendered by Dr. Gordon Newbern February 8, 2006.

On March 29, 2006, the claimant's counsel filed a Form AR-C requesting additional medical expenses. No additional action was taken on the claim and on March 5, 2007, the Commission received the Motion to Dismiss filed on behalf of the respondents with a copy being served on counsel for the claimant.

On March 6, 2007, a Hearing was scheduled for April 11, 2007, to consider the Motion to Dismiss and copies of the Notice and the Motion were sent by certified and regular mail to the claimant at his last known address and also to claimant's counsel. No response was received to the Motion and claimant's counsel appeared at the Hearing and advised that he had spoken with the claimant, that there was nothing outstanding at the time, and they had no reason to request a Hearing and no objection to the Motion to Dismiss.

Accordingly, based upon the pleadings, statements of counsel, and a review of the file, it is hereby determined that the Motion should be, and it is hereby, granted and the claim for additional benefits is hereby dismissed without prejudice.

**IT IS SO ORDERED.**

---

RICHARD B. CALAWAY  
Administrative Law Judge