

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION**

**CLAIM F505421**

**ANNETTE HUNTER,  
EMPLOYEE**

**CLAIMANT**

**REGIONS FINANCIAL CORP.,  
EMPLOYER**

**RESPONDENT**

**AIG CLAIM SERVICE,  
INSURANCE CARRIER**

**RESPONDENT**

**OPINION AND ORDER FILED FEBRUARY 9, 2007,**

Pursuant to a hearing conducted January 30, 2007, before Administrative Law Judge Richard B. Calaway in Little Rock, Pulaski County, Arkansas, with

Ms. Betty J. Demory, Attorney at Law, Little Rock, Arkansas, appearing for the respondents and

Mr. Philip M. Wilson, Attorney at Law, Little Rock, Arkansas, representing the claimant, failing to appear.

**STATEMENT OF THE CASE**

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

A review of the record shows that the claimant filed a Form AR-C on or about May 26, 2005, alleging a date of accident of April 4, 2005, involving her wrist, arms, fingers, and neck. The Employer's First Report of Injury Form indicated that the claimant notified the employer April 22, 2005, indicating that she had suffered injuries to her wrists, arms, and neck. The insurance carrier filed a Form AR-2 on June 17, 2005, indicating that the claim was being controverted because the claimant had open claims for the same injuries with another carrier, Chubb/Crawford & Company for injuries occurring April 2, 2003, and April 15, 2004.

Thereafter, the claimant retained counsel who filed an additional Form AR-C dated May 19, 2006, and a Form N of the same date indicating that she had suffered injuries to her arms, shoulders,

wrists, thumbs, and right hand and requesting all benefits available on the form. On June 29, 2006, the Commission was advised that respondents were represented by Ms. Betty J. Demory of Friday, Eldredge & Clark.

According to the statements of counsel at the hearing, the respondents propounded discovery to claimant's attorney in June, 2006, but received no response to interrogatories and requests for production of documents, other than a September 20, 2006, letter from claimant's counsel indicating that he had again sent interrogatories to the claimant to be answered and that he would attempt again to get her to respond to the discovery.

No additional activity occurred in the file until the Commission received a Motion to Dismiss on January 4, 2007. The Motion indicates that a copy was provided to claimant's counsel. A hearing on the Motion was scheduled for January 30, 2007, and on January 10, 2007, and Notice of the Hearing and a copy of the Motion to Dismiss were provided to claimant's counsel and to the claimant at her last known address by certified and regular mail.

However, the claimant and claimant's counsel failed to appear at the hearing and, after reviewing the available file, the administrative law judge announced that the Motion would be granted, noting that there had been no response to the Motion. However, at that time, a letter dated January 29, 2007, had been provided to the Office of the Clerk of the Commission, but had not reached the file that was available at the hearing. In that letter, counsel for the claimant had asked for a hearing and had also asked that this case be combined with another file for a prior injury while working for the same employer. Insurance coverage for that incident may have been provided by a different carrier.

Thus, the conclusion that there had been no response to the Motion on behalf of the claimant was not accurate and, accordingly, the ruling that the Motion would be granted is withdrawn and the Motion will be respectfully denied, and a prehearing conference will be scheduled. Claimant and claimant's counsel are cautioned that the Motion to Dismiss is not wholly without merit and will likely be refiled by respondents if the claim is not pursued.

**IT IS SO ORDERED.**

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RICHARD B. CALAWAY  
Administrative Law Judge