

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM F600951

**BETH A. SCOTT,
EMPLOYEE**

CLAIMANT

**MUNRO & COMPANY, INC.,
D/B/A LAKE CATHERINE FOOTWEAR,
SELF-INSURED EMPLOYER**

RESPONDENT

**CROCKETT ADJUSTMENT CO.,
BENEFITS ADMINISTRATOR**

RESPONDENT

OPINION FILED FEBRUARY 13, 2007,

Pursuant to a hearing conducted January 10, 2007, before Administrative Law Judge Richard B. Calaway in Little Rock, Pulaski County, Arkansas, with

Mr. Robert L. Henry, III, Attorney at Law, Little Rock, Arkansas, appearing for the respondents and Ms. Beth A. Scott, claimant, Hot Springs, Arkansas, failing to appear.

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 shows that on January 27 the Commission received from Shannon Muse Carroll, Attorney at Law, correspondence which included a Form AR-C alleging the occurrence of a back injury during the claimant's employment on January 10, 2006, and requesting initial benefits and an attorney's fee. On February 9, 2006, a First Report of Injury or Illness was filed on behalf of the respondents indicating that the claimant had reported a back injury related to her employment as a machine operator. The Commission also received a letter dated February 9, 2006, from Ron A. Scott on behalf of the respondents, indicating that the respondents had contacted claimant's counsel and had arranged to take the claimant's statement on February 7, 2006, but that the claimant was ill and unable to be interviewed as planned. The respondents requested an extension of time to respond

to the claimant's request for benefits, in order to complete medical discovery and obtain the claimant's statement.

On May 16, 2006, claimant's counsel asked that the claim be assigned to an administrative law judge for a hearing on the issue of compensability and attorney's fees, and a telephone prehearing conference was scheduled for June 28, 2006. This conference was rescheduled for July 19, 2006, at the request of claimant's counsel. Responses to the prehearing questionnaire were timely filed by counsel for the parties. As a result of the telephone prehearing conference, a hearing was scheduled for September 21, 2006, to address the primary issue of compensability and the related issues of entitlement to initial benefits and an attorney's fee. However, on August 11, 2006, the Commission received correspondence from claimant's counsel requesting a continuance, noting that the claimant would be in Wisconsin until shortly before the hearing and that counsel needed an opportunity to obtain additional medical records and to prepare witnesses.

Accordingly, the hearing was continued and rescheduled for December 14, 2006, by agreement of counsel. On October 30, 2006, claimant's counsel filed a Motion to Withdraw as attorney of record which was granted by an Order dated October 31, 2006. Thereafter, on November 22, 2006, the Commission received a Motion to withdraw the claimant's request for a hearing. An Order entered December 1, 2006, granted the Motion and the December 14, 2006, hearing was cancelled.

On December 6, 2006, the Commission received the request of respondent's counsel that the claim be dismissed. A hearing was scheduled on this request for January 10, 2007, and a Notice of Hearing was forwarded, together with a copy of the Motion to Dismiss, to the claimant at her last known address by regular and certified mail. The claimant failed to appear at the hearing and

otherwise failed to respond to the Motion, which had also been forwarded to her at her last known address by the respondents.

Accordingly, premises considered, based upon a review of the record and the statements of counsel, it appears that the claimant has abandoned the claim and that the Motion should be granted. Therefore, the Motion to Dismiss should be, and it is hereby, granted and this claim is dismissed without prejudice.

IT IS SO ORDERED.

RICHARD B. CALAWAY
Administrative Law Judge