

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM F505684

**SHERRY L. WOODALL,
EMPLOYEE**

CLAIMANT

**TROTT'S WOOD PRODUCTS, INC.,
D/B/A DIAMOND DOORS,
UNINSURED EMPLOYER**

RESPONDENT

OPINION FILED FEBRUARY 15, 2007,

Pursuant to a review of the record and proceeding before Administrative Law Judge Richard B. Calaway January 23, 2007, in Little Rock, Pulaski County, Arkansas, with

Ms. Sherry L. Woodall, pro se, Hot Springs, Arkansas, failing to appear and

Mr. Richard Trott, Hot Springs, Arkansas, representing the respondent, failing to appear.

STATEMENT OF THE CASE

This was a hearing to consider the claimant's request for additional medical expenses for her admittedly compensable finger injury.

A review of the file shows that the claimant contended that she should be provided the expense of medical care related to an admittedly compensable injury to her left ring finger, which occurred on or about April 11, 2004.

The respondent has admitted that the claimant suffered a compensable injury and incurred related medical expenses, which might be reduced after review by the Medical Cost Containment Division of the Arkansas Workers' Compensation Commission.

The Commission file shows that a Form AR-C was filed by the claimant June 3, 2005, requesting additional medical expenses for an injury to the left ring finger, which occurred when she was running a cabinet door through an industrial sander on April 11, 2004. On September 15, 2006, the Commission received the claimant's written request for a hearing for additional benefits and on

September 19, 2006, the file was assigned to the Legal Advisor Division. During that time, the employer appeared willing to pay for the claimant's medical expenses, but never actually did so. When the Legal Advisor Conference procedure failed, the Legal Advisor Division requested that the claim be assigned to an administrative law judge for a hearing.

Consequently, a telephone prehearing conference was conducted November 14, 2006, with the claimant pro se and Richard Trott representing the respondents. At that time, Mr. Trott admitted that the claimant was employed, suffered a compensable injury to her finger, and had incurred related medical expenses, but advised that he might consult an attorney and also wanted to submit the medical bills to the Medical Cost Containment Division for review. The parties further indicated that they intended to resolve the issue without the necessity of a hearing and they were again directed to consult the Legal Advisor Division in order to consider voluntary mediation. However, the parties also agreed to a hearing which, by their agreement, was scheduled for 9:30 a.m., Tuesday, January 23, 2007, in Hearing Room A of the Arkansas Workers' Compensation Commission.

Thereafter, no other communication was received from either party and the hearing was attempted, pursuant to the agreement of the parties, and the Notice of the Hearing which had been sent to the parties. Neither party appeared at the hearing or advised the Commission that the matter had been amicably resolved. However, due to the claimant's failure to pursue her request for benefits, her request for additional benefits should be, and it is hereby, dismissed without prejudice.

IT IS SO ORDERED.

RICHARD B. CALAWAY
Administrative Law Judge