

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION**

**CLAIM NO. F704934 (02/27/07)**

**DOROTHY BLACK, EMPLOYEE**

**CLAIMANT**

**BEST WESTERN COLONY INN, EMPLOYER**

**RESPONDENT**

**UNION STANDARD INSURANCE CO., CARRIER**

**RESPONDENT**

**OPINION FILED FEBRUARY 21, 2008**

Hearing before ADMINISTRATIVE LAW JUDGE ANDREW L. BLOOD, on February 21, 2008, at Little Rock, Pulaski County, Arkansas.

Claimant pro se.

Respondents represented by the HONORABLE CYNTHIA E. ROGERS, Attorney at Law, North Little Rock, Arkansas.

**STATEMENT OF THE CASE**

A hearing was conducted in the above styled claim on the Motion to Dismiss for Want of Prosecution filed herein by respondents. On February 5, 2008, a pre-hearing conference was conducted in this claim, from which a Pre-hearing Order of the same date was filed. The Pre-hearing Order reflects the issue to be addressed during the course of the hearing and is herein designated a part of the record as Commission Exhibit #1.

**DISCUSSION**

On or about May 13, 2007, the claimant, through her attorney, filed a Form AR-C with the Arkansas Workers' Compensation Commission seeking workers' compensation benefits as a result of a February 27, 2007, claimed injury sustained within the course and scope of her

employment. Respondents denied the compensability of the afore claim in its entirety. Following an October 23, 2007, pre-hearing conference, by which time both parties had submitted responsive filings to the pre-hearing questionnaire, a December 28, 2007, hearing was scheduled in Forrest City, Arkansas. The hearing was continued due to illness in the family of the claimant's attorney. Claimant's attorney later filed a Motion to Withdraw as Counsel of Record and on January 22, 2008, an Order was entered granting the motion.

On February 5, 2008, another pre-hearing conference was conducted in the claim. During the course of the pre-hearing conference claimant, who remains in the employment of respondent-employer, relayed that she was agreeable to the dismissal as she would not be pursuing the claim. The claimant's February 27, 2007, claim is one for initial benefits.

Pursuant to the February 5, 2008, pre-hearing conference a February 21, 2008, hearing was scheduled on the Motion to Dismiss for Want of Prosecution. At the designated time the docket was sounded and claimant failed to appear.

Rule 099.13 of the Arkansas Workers' Compensation Commission reflects, in pertinent part:

Upon meritorious application to the Commission from either party in an action pending before the Commission, requesting that the claim be dismissed for want of prosecution, the Commission may, upon reasonable notice to all parties, enter an order dismissing the claim for want of prosecution.

In the instant claim, notice of the hearing on the Motion to Dismiss for Want of Prosecution filed herein by respondent was forwarded to the parties by certified mail return receipt requested. The claimant, having previously relayed that she had no objection to the dismissal of her claim, failed to appear at the hearing on the motion.

IT IS THEREFORE ADJUDGED that the Motion to Dismiss for Want of Prosecution filed herein by the respondents should be and is herein granted., and that the February 27, 2007, claim of the claimant for workers compensation benefits is dismissed for want of prosecution pursuant to Rule 099.13 of the Arkansas Workers' Compensation Commission.

**IT IS SO ORDERED.**

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**Andrew L. Blood, ADMINISTRATIVE LAW JUDGE**