

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F712344

JENNIFER BROWN	CLAIMANT
WAL-MART ASSOCIATES, INC.	RESPONDENT
CLAIMS MANAGEMENT, INC. CARRIER	RESPONDENT

OPINION FILED AUGUST 25, 2008

Hearing before ADMINISTRATIVE LAW JUDGE ERIC PAUL WELLS in Fort Smith, Sebastian County, Arkansas.

Claimant appeared pro se.

Respondents represented by TOD BASSETT, Attorney, Fayetteville, Arkansas.

STATEMENT OF THE CASE

On August 14, 2008, the above captioned claim came on for a hearing on respondents' Motion to Dismiss at Fort Smith, Arkansas.

DISCUSSION

On November 27, 2007, the claimant executed a Form AR-C and filed it with this Commission in the Little Rock office. A period of six months has now expired since the date of the filing of the Form AR-C without a hearing being conducted to litigate any issues. The respondents have requested that the claim be dismissed without prejudice for failure to prosecute pursuant to Rule 13. In the alternative, the respondents have requested that the case be dismissed without prejudice pursuant to Ark. Code Ann. §11-9-702(d). The claimant failed to appear at the scheduled hearing; however, the Commission's file contains a certified card which was signed by the claimant on July 9, 2008, which shows that she did receive the notice of the hearing on the Motion to Dismiss.

ADJUDICATION

Due to the failure of the claimant to appear at the hearing and failure of the claimant to move forward with litigation I find that this matter should be dismissed without prejudice.

From a review of the record as a whole, to include medical reports, documents, and other matters properly before the Commission, the following findings of fact and conclusions of law are made in accordance with A.C.A. §11-9-704:

FINDINGS OF FACT & CONCLUSIONS OF LAW

1. the claimant has failed to make a bona fide request for a hearing for over six months.

2. The claimant failed to appear for a hearing in this matter after being properly notified.

ORDER

Based upon my foregoing findings and conclusion, I have no alternative but to deny and dismiss this claim without prejudice.
IT IS SO ORDERED.

ERIC PAUL WELLS
ADMINISTRATIVE LAW JUDGE