

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F601093

BRENDA G. CANADA

CLAIMANT

MOON DISTRIBUTORS, INC.

RESPONDENT EMPLOYER

UNION STANDARD INSURANCE CO.

RESPONDENT CARRIER

ORDER AND OPINION FILED JANUARY 31, 2008

Administrative Law JUDGE LINDA K. MARSHALL.

Claimant did not appear.

Respondents represented by the HONORABLE MICHAEL WRIGHT, Attorney at Law, Little Rock, Arkansas.

ISSUES

A hearing was held on January 24, 2008, to determine whether the above referenced claim should be dismissed for lack of prosecution.

On November 14, 2007, the respondents filed a motion to dismiss for lack of prosecution. The claimant was notified by the Commission of the motion to dismiss by letters dated November 21, 2007 and again on December 12, 2007. The claimant was allowed some time to notify the Commission if she planned to pursue her claim. The claimant made no contact with the Commission.

A hearing notice was sent by certified mail on January 4, 2008, setting the matter for a dismissal hearing on January 24, 2008. On January 22, 2008, the claimant's husband called the Commission and advised his wife was in the hospital and she did not want her claim dismissed. The claimant also faxed a written request that her claim remain active.

After hearing from the claimant that she planned to pursue her claim, I must find the respondents' motion to dismiss the claim is denied.

IT IS SO ORDERED.

**LINDA K. MARSHALL
ADMINISTRATIVE LAW JUDGE**