

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F712979

PAULINE MORRIS,  
EMPLOYEE

CLAIMANT

CLARKSVILLE REFRIGERATED LINES,  
EMPLOYER

RESPONDENT

LIBERTY INSURANCE CORPORATION,  
CARRIER

RESPONDENT

**OPINION AND ORDER OF DISMISSAL WITHOUT PREJUDICE**  
**FILED SEPTEMBER 29, 2008**

This matter comes on for consideration of the respondents' Motion to Dismiss for failure to prosecute. The respondents are represented by Attorney Eric Newkirk. The claimant is pro se. A hearing was held on September 9, 2008. The claimant did not appear at the hearing. The record consists of the transcript of the September 9, 2008, hearing and the exhibits contained therein. In addition, I have blue-backed to designate as part of the record a September 10, 2008, letter that I addressed to Pauline Morris which was returned to the Commission unclaimed on September 22, 2008.

**1. Attempted Notice To Pauline Miller**

By way of history, the claimant filed a Form AR-C received at the Commission on December 17, 2007. That document, signed by Ms. Morris, identifies her address as

1000 W. 34<sup>th</sup> St, Little Rock, AR 72206. When no action was ever requested on the claim filing, the respondents filed on July 14, 2008, a Motion to Dismiss for failure to prosecute. When this case was subsequently assigned to me, my office mailed a certified letter to Ms. Morris on July 14, 2008, seeking a response to the Motion to Dismiss. I did not receive a response from Ms. Morris, and the Commission has no record of receiving back a signed return-receipt card for that letter to her.

On August 8, 2008, I mailed a letter to both parties identifying the time, date and location of the September 9, 2008 hearing to be held on the respondents' pending motion to dismiss. I mailed that letter to Ms. Morris by both certified and first class mail at her 1000 West 34<sup>th</sup> address. The certified letter was apparently undeliverable.

Research conducted by my office on Whitepages.com on September 4, 2008, indicated a mailing address of 1012 W. 34<sup>th</sup>, not 1000 W. 34<sup>th</sup> for Ms. Morris. Consequently, on September 10, 2008, the day after the hearing, I mailed another letter both certified and first class to Ms. Morris at 1012 W. 34<sup>th</sup> seeking a written response to the Motion to Dismiss on or before September 24, 2008. The certified letter was returned to the Commission marked "UNCLAIMED",

and I did not receive any response from Ms. Morris after September 10, 2008.

As of September 26, 2008, my office had not received back the letters mailed to Ms. Morris by first-class on August 8, 2008, and on September 10, 2008.

## **2. Motion to Dismiss**

The claimant has not responded to any of my three letters, and the claimant did not appear for the hearing. The respondents' motion contends that the claimant has not pursued this claim after filing the Form AR-C. Obviously, the claimant did not present any evidence at the hearing to indicate that she has in fact pursued the claim. After considering the respondents' motion and the claimant's lack of response thereto, I find that the respondents' motion should be, and hereby is, granted. The dismissal shall be without prejudice to refiling within the appropriate limitations period.

\_\_\_\_\_IT IS SO ORDERED.

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MARK CHURCHWELL  
Administrative Law Judge