

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. H203737

TOMMY CROWELL, EMPLOYEE	CLAIMANT
FULTON COUNTY AMBULANCE SERVICES, EMPLOYER	RESPONDENT
RISK MANAGEMENT RESOURCES, CARRIER/TPA	RESPONDENT

OPINION FILED FEBRUARY 21, 2023

Hearing before Administrative Law Judge James D. Kennedy on February 15, 2023, in Mountain Home, Baxter County, Arkansas.

Claimant is represented by Mr. Jim R. Burton, Attorney-at-Law, of Jonesboro, Arkansas, and his right to appear was waived.

Respondents are represented by their attorney, Mr. Jarrod S. Parrish, Attorney-at-Law, of Little Rock, Arkansas.

STATEMENT OF THE CASE

A hearing was held in the above-styled matter on February 15, 2023, in Mountain Home, Arkansas, on respondents' Motion to Dismiss for failure to prosecute pursuant to Arkansas Code Annotated §11-9-702 and Rule 099.13 of the Arkansas Workers' Compensation Act. The claimant waived his right to appear, notified the Commission by his attorney, and consequently failed to appear for the hearing. The claimant filed an Arkansas Form-C on May 20, 2022, contending he had contracted COVID which caused prolonged cardiac, pulmonary, cognitive issues. The respondents denied that the claim was compensable. Both parties filed a response to the prehearing questionnaire, and the matter was initially set for a hearing on November 16, 2022, by a Prehearing Order filed September 13, 2022. The hearing was continued from the November date, until February 15, 2023, after a request by the claimant. Prior to the full hearing, the claimant agreed to the dismissal of his claim. The full hearing then continued as a Motion to Dismiss.

An appropriate notice setting this matter for a hearing on February 15, 2023, was provided, and the claimant did not file an objection or appear at the hearing in Mountain Home, Arkansas. At the time of the hearing, Jarrod S. Parrish appeared on behalf of the respondents and asked that the matter be dismissed for lack of prosecution.

After a review of the record as a whole, to include all evidence properly before the Commission, and having an opportunity to hear the statements of the attorney for the respondent, I find that this matter should be dismissed for failure to prosecute pursuant to Ark. Code Ann. §11-9-702 and Rule 099.13 of the Arkansas Workers' Compensation Act.

ORDER

Pursuant to the above statement of the case, there is no alternative but to dismiss this claim in its entirety, without prejudice, for failure to prosecute.

JAMES D. KENNEDY
ADMINISTRATIVE LAW JUDGE