

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION**

**CLAIM NO. H202237**

**KENNETH R. ADAMS, EMPLOYEE**

**CLAIMANT**

**TYSON FOODS, INC.,  
SELF-INSURED EMPLOYER**

**RESPONDENT**

**TYNET CORPORATION, CARRIER/TPA**

**RESPONDENT**

**OPINION FILED JANUARY 10, 2022**

**Hearing before Administrative Law Judge JayO. Howe in Little Rock, Pulaski County, Arkansas, on January 10, 2023.**

**Claimant is *Pro Se* and did not appear.**

**Respondents are represented by J. Matthew Mauldin and Lauren Scroggins of the Roberts Law Firm in Little Rock, Arkansas. Ms. Scroggins appeared.**

**STATEMENT OF THE CASE**

A hearing was held in the above-styled matter on January 10, 2023, in Little Rock, Arkansas, on respondent's Motion to Dismiss for failure to prosecute pursuant to Ark. Code Ann. § 11-9-702 and Rule 099.13 of the Arkansas Workers' Compensation Act. The claim involves an injury which allegedly occurred on or about March 14, 2022, when liquid used during poultry processing contacted claimant's eyes. He notified the respondent on the same day. An employer/employee relationship existed. Forms AR-1 and AR-2 were filed on March 30, 2022. The claim was medical only.

More than six (6) months have passed since the claimant alleged that he sustained a work-related injury. A Motion to Dismiss was filed on November 4, 2022, and the claimant failed to respond to that Motion.

A hearing was set for 12:00 pm on Tuesday, January 10, 2023, in regard to the Motion to Dismiss. Notice was mailed to the claimant at the address provided to the

Commission by him both Certified Mail, Return Receipt Requested and First-Class Mail. The certified copy of the letter was returned unclaimed, but the First-Class letter was not returned. The claimant failed to appear. At the time of the hearing, Lauren Scroggins 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 had an opportunity to hear the statements of the respondent's attorney, there is no alternative but to find that the Motion to Dismiss should be granted at this time, and the matter should be dismissed without prejudice.

**ORDER**

Pursuant to the above, there is no alternative but to find that the Motion to Dismiss should be granted and this matter should be dismissed without prejudice at this time.

IT IS SO ORDERED.

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JAYO. HOWE  
ADMINISTRATIVE LAW JUDGE