

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION**

**CLAIM NO. H306575**

**PRESLEY ADAMS, EMPLOYEE**

**CLAIMANT**

**PINNACLE PROP. MGMT SERVICES, EMPLOYER**

**RESPONDENT**

**FARMINGTON CASUALTY COMPANY, TPA/CARRIER**

**RESPONDENT**

**OPINION FILED JULY 9, 2024**

**Hearing before Administrative Law Judge James D. Kennedy in Little Rock, Arkansas, on June 25, 2024.**

**Claimant is Pro Se and appeared on his own behalf.**

**Respondents are represented by their attorney, Guy Alton Wade, Little Rock, Arkansas.**

**STATEMENT OF THE CASE**

A hearing was held in the above styled matter on June 25, 2024, in Little Rock, Arkansas, on respondent's Motion to Dismiss for failure to prosecute pursuant to A.C.A. 11-9-702 and Rule 099.13 of the Arkansas Workers' Compensation Act. The claimant was pro se and appeared on his own behalf and objected to the dismissal of his claim.

The claimant contended in his testimony that he had responded to various correspondence from the Commission, but in a review of the file, there was no record of a significant portion of the claimed correspondence from the claimant to the Commission and it was also noted that the claimant's address with the Commission was in fact his mailing address. A Motion to Dismiss request by letter had been filed on May 12, 2024, but there appeared to be no written response filed by the claimant of record.

Appropriate notice was provided to the claimant who did appear timely at the time of the hearing on the Motion to Dismiss on June 25, 2024, in Little Rock, Arkansas. At the time of the hearing, Guy Alton Wade 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, as well testimony by the claimant, it is found that the Motion to Dismiss is hereby denied at this time. The Claimant shall be responsible for the timely filing of a response to discovery and other documents in regard to the pursuit of his claim and is further instructed that it would be in his best interest to obtain the assistance of an attorney. If he is unable to obtain representation, he is instructed that he should contact the Legal Advisor Division of the Arkansas Workers' Compensation Commission.

### **ORDER**

Pursuant to the above statement of the case, it is determined that there is no alternative but to deny the Motion to Dismiss at this time.

IT IS SO ORDERED:

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JAMES D. KENNEDY  
ADMINISTRATIVE LAW JUDGE