

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. H400984

GILBERT ALCALA, EMPLOYEE

CLAIMANT

**COSTCO WHOLESALE CORP.,
EMPLOYER**

RESPONDENT

**SAFETY NATIONAL CASUALTY CORP./
CARRIER/TPA**

RESPONDENT

OPINION FILED MARCH 21, 2025

Hearing before Administrative Law Judge James D. Kennedy in Little Rock, Arkansas, on March 11, 2025.

Claimant is Pro Se and did not appear.

Respondents are represented by David C. Jones, of Little Rock, Arkansas.

STATEMENT OF THE CASE

A hearing was held in the above styled matter on March 11, 2025, in Little Rock, Arkansas, on respondent's Motion to Dismiss for failure to prosecute pursuant to Arkansas Code Ann. 11-9-702 and Rule 099.13 of the Arkansas Workers' Compensation Act. The claimant contended that he sustained a work-related injury on her right leg when she ruptured a scar while loading a basket. A C Form was filed on February 8, 2024. A First Report of Injury was filed on February 29, 2024, and an AR -2 was filed on March 5, 2024. A Motion to Dismiss for failure to prosecute was filed on or about January 13th, 2025, and the claimant failed to respond to the motion.

A hearing was set for March 11, 2025, in regard to the Motion to Dismiss. The claimant failed to appear at the hearing after proper notice to the last known address of

the claimant. At the time of the hearing, David C. Jones 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 pursuant to Arkansas Code Ann. 11-9-702 and Rule 099.13 of the Arkansas Workers' Compensation Act at this time.

IT IS SO ORDERED:

JAMES D. KENNEDY
ADMINISTRATIVE LAW JUDGE