

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

WCC NO. H304808

PARKER AMASON, Employee

CLAIMANT

K & S COMPUTING, Employer

RESPONDENT

FARMERS INSURANCE EXCHANGE, Carrier/TPA

RESPONDENT

OPINION FILED DECEMBER 17, 2024

Hearing before ADMINISTRATIVE LAW JUDGE ERIC PAUL WELLS in Fort Smith, Sebastian County, Arkansas.

Claimant not represented by counsel and appearing pro se.

Respondent represented by KEVIN STATEN, Attorney at Law, Little Rock, Arkansas.

STATEMENT OF THE CASE

The respondents in this matter filed a Motion to Dismiss for failure to prosecute stating that the claimant had failed to take action on the case for a period of nine months. The claimant was previously represented by Tanner Thomas, but he withdrew as counsel on December 19, 2023, and the claimant has not appeared with new counsel. The inactive period of nine months follows the withdrawal of the claimant's attorney. As such, the respondents have asked for a dismissal of the claimant's case.

The claimant appeared pro se at the hearing in this matter. The claimant informed the Commission that he did not want his case dismissed and that, in fact, he wanted to move forward with the prosecution of his case. The claimant was also agreeable to engaging in the discovery process for the respondents and testified that he intended to do so. Given the claimant's, I believe

truthful, request and desire to move his case forward, I hereby deny the respondents' Motion to Dismiss.

From a review of the record as a whole, to include all matters properly before the Commission, and having had an opportunity to hear the statements of the claimant and the respondents, I find that the respondents' Motion to Dismiss is denied at this time.

ORDER

Pursuant to the above statement of the case, I hereby deny respondents' Motion to Dismiss at this time.

If respondents have not already done so, they are directed to pay the court reporter, Veronica Lane, her fees and expenses within thirty (30) days of receipt of her invoice.

IT IS SO ORDERED.

**ERIC PAUL WELLS
ADMINISTRATIVE LAW JUDGE**