

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION**

**CLAIM NO. H002994**

**RICHARD ATKINS, EMPLOYEE**

**CLAIMANT**

**AIRGAS DRY ICE, EMPLOYER**

**RESPONDENT**

**NEW HAMPSHIRE INS. CO. / GALLAGHER  
BASSETT SERVICES, INC., CARRIER/TPA**

**RESPONDENT**

**OPINION FILED FEBRUARY 25, 2021**

**Hearing before Administrative Law Judge James D. Kennedy in Little Rock, Pulaski County, Arkansas, on February 25, 2021.**

**Claimant is *pro se* and failed to appear.**

**Respondents are represented by their attorney, Melissa Wood, of Little Rock, Arkansas.**

**STATEMENT OF THE CASE**

A hearing was held in the above-styled matter on February 25, 2021, in Little Rock, Arkansas, on the respondents' 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 claimant was *pro se* and did not appear. The claimant had alleged an injury on February 24, 2020, and filed Form AR-C on May 22, 2020. The claimant alleged that he was making a delivery when he was hit by another driver, and sustained injuries to his neck, left shoulder, left side of the collar bone, and the whole body. The claimant was at one time represented by Kolton Jones, who was allowed to withdraw by an Order of the Full Commission dated July 18, 2020. The claim was controverted in its entirety with the Form AR-2 providing that the claimant failed to meet the burden of proof that the injury

was work-related. The claimant has made no effort to prosecute the claim in the last six (6) months, and a Motion to Dismiss was filed on November 25, 2020.

An appropriate notice setting this matter for a hearing on the Motion to Dismiss was provided to the claimant by both certified and regular mail, and a hearing was set for February 24, 2021. The claimant failed to appear. Melissa Wood appeared on behalf of the respondents, asking 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 respondents, it is found that this matter should be dismissed without prejudice.

**ORDER**

Pursuant to the above, there is no alternative but to dismiss this matter without prejudice.

**IT IS SO ORDERED.**

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**JAMES D. KENNEDY**  
**ADMINISTRATIVE LAW JUDGE**