

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION
CLAIM NO.: H006109**

CHARLES BALDWIN, Employee	CLAIMANT
PILOT TRAVEL CENTERS, LLC, Self-Insured Employer	RESPONDENT
PILOT TRAVEL CENTERS, LLC, Carrier/TPA	RESPONDENT

OPINION AND ORDER FILED MAY 11, 2022

Hearing conducted before ADMINISTRATIVE LAW JUDGE TERRY DON LUCY, in
Crittenden County, Arkansas.

Counsel for the Claimant: *pro se*.

Counsel for the Respondent: HONORABLE RANDY P. MURPHY, Attorney at Law, Little
Rock, Arkansas.

The above-captioned matter came on for a hearing on May 6, 2022, for consideration of the Respondents' Motion to Dismiss, filed with the Commission on March 2, 2022. The *pro se* Claimant was advised of said Motion by the Commission via first-class and certified mail dated March 9, 2022, with a responsive pleading to such required on or before March 29, 2022. Subsequently, by way of first-class and certified mail dated March 31, 2022, the Commission advised the parties of the hearing scheduled for May 6, 2022. The Commission's file reflects that such notice was received at the Claimant's last known address on April 4, 2022.

Counsel for the Respondents appeared for the hearing at the duly appointed time. When the hall was sounded by Counsel for the Respondents at such time, the Claimant was not present nor did he appear during the ensuing proceedings. (TR 4)

During said proceedings, the Commission's file with respect to the above-captioned matter was deemed incorporated by reference into the record without objection. (TR 4-5)

The Commission's file reflects that the Claimant, through Counsel, filed a Form AR-C on November 25, 2020, and that the Claimant's Counsel was subsequently allowed to withdraw by

way of a Full Commission Order entered on February 8, 2022. The Commission's file further reflects that there has been no hearing request in the above-captioned matter since November 25, 2020.

Given the Claimant's lack of objection to the Respondents' Motion, his corresponding failure to appear at the hearing held on May 6, 2022, and his apparent failure to request a hearing on the merits of his claim since November 25, 2020, I specifically find that the Claimant has failed to prosecute his claim in a timely manner and that dismissal thereof without prejudice is warranted pursuant to Ark. Code Ann. §11-9-702 and Commission Rule 099.13, for lack of prosecution, and hereby grant the Respondents' Motion.

The above-captioned matter is respectfully dismissed without prejudice effective May 6, 2022, and the Respondents are ordered and directed to pay the court reporter's fee within thirty days of billing for such pursuant to Commission Rule 099.20.

IT IS SO ORDERED.

Hon. Terry Don Lucy
ADMINISTRATIVE LAW JUDGE