

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION**

**CLAIM NO. H303196**

<b>CYNTHIA BARNES, EMPLOYEE</b>	<b>CLAIMANT</b>
<b>BOOKER T. WASHINGTON ELEM. SCHL., EMPLOYER</b>	<b>RESPONDENT</b>
<b>ARKANAS SCHOOL BOARDS ASSOC., WCT CARRIER/TPA</b>	<b>RESPONDENT</b>

**OPINION FILED OCTOBER 29, 2024**

**Hearing before Administrative Law Judge James D. Kennedy in Little Rock, Arkansas on October 22, 2024.**

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

**Respondents are represented by their attorney, Carol Worley, Little Rock, Arkansas.**

**STATEMENT OF THE CASE**

A hearing was held in the above styled matter on October 22, 2024, 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 was pro se and failed to appear for the hearing. The claimant's claim was filed on May 23, 2023, and she alleged that she was injured at work on March 8, 2023. An AR – 1 Form was received on May 17, 2023, and an AR – 2 Form was received on May 17, 2023, and no position in regard to the claim was stated in the form. The claimant obtained a Change of Physician Order from the Commission on June 5, 2023.

A Motion to Dismiss was filed on August 27, 2024, requesting that the matter be dismissed for failure to prosecute. The claimant has not requested a hearing to date and more than six months have passed since the filing of the original claim nor is there any

record of her contacting the Commission after the date her attorney was allowed to withdraw.

Appropriate notice was provided to the claimant notifying her that a hearing on the Motion to Dismiss was set for October 22, 2024, in Little Rock, Arkansas. The claimant did not file a response and failed to appear on the hearing date. At the time of the hearing, Carol Worley, 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, I find that this matter should be dismissed without prejudice, for failure to prosecute pursuant to A.C.A. 11-9-702 and Rule 099.13 of the Arkansas Workers' Compensation Act.

**ORDER**

Pursuant to the above statement of the case, there is no alternative but to dismiss this claim in its entirety, without prejudice, for failure to prosecute.

IT IS SO ORDERED:

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JAMES D. KENNEDY  
ADMINISTRATIVE LAW JUDGE