

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION
CLAIM NO.: H009438**

MICHAEL BELL, Employee	CLAIMANT
ARKANSAS UTILITY PROTECTION SERVICE, INC., Employer	RESPONDENT
TRANSPORTATION INSURANCE COMPANY, Carrier	RESPONDENT
CNA INSURANCE COMPANY, TPA	RESPONDENT

OPINION AND ORDER FILED AUGUST 4, 2021

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

Counsel for the Claimant: *pro se*.

Counsel for the Respondents: HONORABLE KAREN H. MCKINNEY, Attorney at Law, Little Rock, Arkansas.

The above-captioned matter came on for a hearing on August 3, 2021, for consideration of the Respondents' Motion to Dismiss originally filed with the Commission on June 30, 2021.

When the hall was sounded at the appointed time for the hearing, the Claimant was not present and did not appear during the ensuing proceedings. During such proceedings, Respondent's Exhibit No. 1 was introduced into the record without objection, and the Commission's file was designated as part of the record without objection. Review of both reflects that the Claimant filed a Form AR-C on December 7, 2020, has not requested a hearing on the merits since that date, and that the Commission has taken all available measures to inform the Claimant of the hearing date, inclusive of certified and first-class mail sent to his last known address on July 22, 2021. Such notice of hearing was returned to the Commission as "Unable to Forward" by the United States Postal Service and received back by the Commission on August 2, 2021.

Given the Claimant's failure to appear at the hearing, apparent failure to provide a forwarding address to either the Commission or the Respondents, failure to object to the

Bell – H009438

Respondent's motion, and apparent failure to otherwise timely prosecute his claim since December 7, 2020, I specifically find that this matter should be, and hereby is, dismissed without prejudice for lack of timely prosecution pursuant to Ark. Code Ann. §11-9-702 and Commission Rule 099.13, effective August 3, 2021.

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