

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION  
CLAIM NO.: H003661**

JARED BLAND, Employee	CLAIMANT
BURCH FOOD SERVICES, INC., Employer	RESPONDENT
CINCINNATI CASUALTY COMPANY, Carrier	RESPONDENT

**OPINION AND ORDER FILED MARCH 15, 2021**

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

Counsel for the Claimant: *pro se*.

Counsel for the Respondents: Honorable Lauren A. Spencer, Little Rock, Arkansas.

The above-captioned matter came on for a hearing on February 26, 2021, with respect to the Respondents' Motion to Dismiss filed with the Commission on December 28, 2020. During such hearing, the Commission's file was incorporated by reference into the record with no objection from the only appearing party, the Respondents herein.

As reflected in the Commission's file, the Respondents served their Motion upon the Claimant's Counsel. In addition, the Commission provided notice of the Respondents' Motion to the Claimant by way of first-class and certified mail sent on December 31, 2020, and required a responsive pleading thereto on or before January 20, 2021. The Commission's file reflects that the Claimant received such notice on January 13, 2021, according to documentation provided to the Commission by the United States Postal Service.

According to the Commission's file, no response to the Respondents' Motion had been received by January 20, 2021. Consequently, notice of the hearing on the Respondents' Motion was sent to the Claimant via first-class and certified mail dated January 26, 2021. Again, by way of documentation provided to the Commission by the United States Postal Service, the

Commission's file reflects that the Claimant received notice of the scheduled hearing on January 30, 2021.

The Claimant did not appear for the scheduled hearing when the hall was sounded at the appointed time, nor did he appear during the ensuing proceedings. In addition, at the time of the scheduled hearing on February 26, 2021, the Commission's file reflects that the Claimant had still failed to file a formal response to the Respondent's Motion. Moreover, the Commission's file also reflects that the Claimant filed a Form AR-C with the Commission on June 10, 2020, and has not requested a hearing since that date.

Given the Claimant's lack of objection or other response to the Respondents' Motion, corresponding failure to appear at the hearing held on February 26, 2021, and failure to request a hearing on the merits of his claim since June 10, 2020, I specifically find that the Claimant has failed to prosecute his claim 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 February 26, 2021, and the Respondents are ordered and directed to pay the court reporter's fee within thirty days of billing for such.

IT IS SO ORDERED.

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TERRY DON LUCY  
Administrative Law Judge