

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

AWCC FILE No H304175

REDIS D. BONDS, EMPLOYEE

CLAIMANT

LIDLAW, INC., EMPLOYER

RESPONDENT

**BRIDGEFIELD CASUALTY INS. CO./
SUMMIT CONSULTING, LLC., CARRIER/TPA**

RESPONDENT

OPINION FILED 30 NOVEMBER 2023

Heard before Arkansas Workers' Compensation Commission (AWCC) Administrative Law Judge JayO. Howe, 29 November 2023, Little Rock, Pulaski County, Arkansas.

The *pro se* claimant waived appearing.

Mr. Guy Alton Wade, Attorney-at-Law of Little Rock, Arkansas, appeared for the respondents.

STATEMENT OF THE CASE

A hearing on the respondents' Motion to Dismiss was held on this matter in Little Rock, Arkansas, on 29 November 2023. This case relates to a workplace injury sustained on 8 September 2022. A Form AR-C was first filed with the Commission on 30 June 2023 claiming eye injuries associated with glass cleaner splashing in the claimant's eye. A Form AR-2 was filed with the Commission on 25 July 2023, accepting the medical-only claim.

On 5 October 2023 the Commission received a letter motion from the respondents, originally dated 1 August 2023, requesting that this matter be dismissed. The claimant sent a letter, dated 10 October 2023, to the Commission in response to notice of that Motion indicating that she did not object to the dismissal and that she was not requesting a hearing on any issues relating to her claim. A copy of that letter was included in the documents presented by the respondents at the hearing on their immediate motion. As argued by the respondents, the file reflects no request for a hearing on a claim in the relevant time

preceding the filing of that Motion. Notice of that motion and notice of the hearing on that Motion were sent to the address provided by the claimant, and the claimant chose not to appear to resist the Motion to Dismiss this action. (The claimant did, however, express thanks to the respondents in her letter for assisting her in seeking treatment for her eye troubles.) The respondents appeared, presented their Motion, and offered supporting evidence into the record.

Arkansas Code Annotated § 11-9-702(a)(4) states that a matter may be dismissed without prejudice after six (6) months without a *bona fide* request for a hearing. Commission Rule 099.13 provides for a dismissal for failure to prosecute an action upon application by either party. Based on the record, available evidence, the arguments of the respondents' counsel, and the notice from the claimant of her not objecting to the dismissal without prejudice, I find that the respondents' Motion to Dismiss should be granted and that the matter should be dismissed without prejudice.

VI. ORDER

The Motion to Dismiss is GRANTED, and this matter is DISMISSED WITHOUT PREJUDICE.

SO ORDERED.

JAYO. HOWE
ADMINISTRATIVE LAW JUDGE