

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. H005282

WILLIAM BOOKER, EMPLOYEE

CLAIMANT

CRANFORD CONSTRUCTION CO., EMPLOYER

RESPONDENT

**ACIGINSURANCE COMPANY/RISK
MANAGEMENT RESOURCES
INSURANCE CARRIER/TPA**

RESPONDENT

OPINION FILED OCTOBER 27, 2021

Hearing before Administrative Law Judge James D. Kennedy in Little Rock, Pulaski County, Arkansas, on September 8, 2021.

Claimant is Pro Se.

Respondents are represented by Shane Bridgeforth.

STATEMENT OF THE CASE

A hearing was held in the above styled matter on September 8, 2021, 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 employed by Cranford Construction Company. The claimant appeared in person with his wife and admitted receiving notice of the hearing. The claimant stated that he was sick and was not living in the same house with his wife. The claimant also admitted he was suffering from kidney failure and was on dialysis but was not sure if that had anything to do with working for the respondent. The claimant also admitted that he was a diabetic which caused the amputation of his legs. His wife Deborah Clark testified that the claimant lived in a nursing home but that they had received the notices. She also testified that she had attempted to obtain an attorney and they had all turned her down. The claimant was so sick that he was on palliative care.

A hearing was set for September 8, 2021, in regard to the Motion to Dismiss. The claimant was present with his wife at the hearing. At the time of the hearing, Shane Bridgeforth 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 had an opportunity to hear the statements of the attorneys, the parties were instructed that this matter would be taken under advisement for thirty (30) days and the claimant was required to take action within the thirty (30) days or the claim would be dismissed. On October 8, 2021, the claimant's response to the prehearing questionnaire was filed of record and is blue backed to this opinion. Consequently, there is no alternative but to find that the Motion to Dismiss should be dismissed at this time, and the matter should be set for a pretrial telephone conference.

ORDER

Pursuant to the above statements of the case, there is no alternative but to deny the Motion to Dismiss at this time.

IT IS SO ORDERED:

JAMES D. KENNEDY
ADMINISTRATIVE LAW JUDGE