

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION**

**CLAIM NO. H 005282**

**WILLIAM BOOKER, JR., EMPLOYEE**

**CLAIMANT**

**CRANFORD CONSTRUCTION COMPANY,  
EMPLOYER**

**RESPONDENT**

**ACIG INSURANCE COMPANY/ RISK  
MANAGEMENT RESOURCES,  
INSURANCE CARRIER/TPA**

**RESPONDENT**

**OPINION FILED JULY 26, 2022**

**Hearing before Administrative Law Judge James D. Kennedy in Little Rock, Pulaski County, Arkansas, on July 19, 2022.**

**Claimant is *Pro Se* and did not appear.**

**Respondents are represented by Mr. William M. "Shane" Bridgforth, of Pine Bluff, Arkansas.**

**STATEMENT OF THE CASE**

A hearing was held in the above-styled matter on July 19, 2022, in Little Rock, Arkansas, on respondent's Motion to Dismiss for failure to prosecute pursuant to Rule 099.13 of the Arkansas Workers' Compensation Act. The claimant, while at work on July 13, 2020, contended that he was not feeling well and went to the hospital. The respondents filed a timely Form AR – 2 denying the claim in its entirety on August 5, 2020. The respondents contend that the claimant's health problems are the result of non-work related medical conditions which include long-term diabetes and diabetic neuropathy, long-term hypertension, chronic kidney disease, end stage renal failure, and compromised adrenal function attributed to the sequela of diabetes. The claimant's primary surgeon, Ethan Schock, M.D., recently testified in a deposition that "his condition and disease process has no relationship to a work comp causation."

The respondent filed its first Motion to Dismiss and a hearing was set for September 8, 2021, where the claimant appeared and the matter was taken under advisement for thirty (30) days, providing that the claimant needed to respond to the prehearing questionnaire, which the claimant subsequently provided. A prehearing telephone conference was then set for June 13, 2022, but was cancelled based upon an email from the claimant dated June 10, 2022, and the claimant has taken no further action at the time of the hearing on the Second Motion to Dismiss. Consequently, the respondent filed its Second Motion to Dismiss on June 13, 2022, and the claimant failed to respond to the request.

A hearing was set for July 19, 2022, in regard to the Second Motion to Dismiss. The claimant failed to appear at the hearing after proper notice. At the time of the hearing, Shane Bridgforth 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 respondent's attorney, there is no alternative but to find that the Second Motion to Dismiss should be granted at this time, and the matter should be dismissed without prejudice.

**ORDER**

Pursuant to the above, there is no alternative but to find that the Motion to Dismiss should be granted and this matter should be dismissed without prejudice at this time.

**IT IS SO ORDERED:**

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JAMES D. KENNEDY  
ADMINISTRATIVE LAW JUDGE