

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION
AWCC CLAIM NO.: H006478**

JOYCE J. BOYD, Employee	CLAIMANT
ROCK REGION METRO, Self-Insured Employer	RESPONDENT
ATA WORKERS' COMPENSATION SELF-INSURED TRUST, Carrier	RESPONDENT
RISK MANAGEMENT RESOURCES, TPA	RESPONDENT

OPINION AND ORDER FILED JUNE 10, 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 Jarrod S. Parrish; Attorney at Law, Little Rock, Arkansas.

The above-captioned matter came on for a hearing on June 8, 2021, with respect to the Respondents' Motion to Dismiss filed with the Commission on April 16, 2021. When the hall was sounded at the appointed time for the hearing, the Claimant was not present for such, nor did she appear during the ensuing proceedings. Respondents' Exhibit No. 1 was subsequently introduced into the record without objection, and the Commission's file in this matter is deemed incorporated by reference into the record and for purposes of this Opinion and Order.

The Commission's file reflects that notice of the Respondents' Motion was sent to the Claimant via certified and first-class mail from the Commission dated April 23, 2021, to her last known address, and that notice of the hearing was likewise sent to the Claimant via certified and first-class mail from the Commission dated May 13, 2021, to her last known address. The Commission's file reflects no response from the Claimant with respect to the Respondents' pending motion.

The Commission's file further reflects that the Claimant filed a Form AR-C in this matter

on September 9, 2020, and has not requested a hearing since that date. In addition, there is no indication that the Claimant herein has responded to or otherwise objected to the Respondents' pending Motion.

Given the Claimant's lack of objection to the Respondents' Motion, corresponding failure to appear at the hearing held on June 8, 2021, and apparent failure to request a hearing on the merits of her claim since September 9, 2020, I specifically find that the Claimant has failed to prosecute her claim in a timely manner 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 June 8, 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.

TERRY DON LUCY
Administrative Law Judge