

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. H303422

LORI J. BROWN, EMPLOYEE	CLAIMANT
CASEY'S GENERAL STORES, INC., EMPLOYER	RESPONDENT
ACE AMERICAN INSURANCE COMPANY, INSURANCE CARRIER	RESPONDENT
CANNON COCHRAN MANAGEMENT SERVICES, INC. d/b/a CCMSI, TPA	RESPONDENT

OPINION FILED MARCH 13, 2024

Hearing before Administrative Law Judge James D. Kennedy in Little Rock, Pulaski County, Arkansas on March 5, 2024.

Claimant is *pro se* and failed to appear.

Respondents are represented by Mr. Eric Newkirk, Attorney-at-Law of Little Rock, Arkansas.

STATEMENT OF THE CASE

A hearing was held in the above-styled matter on March 5, 2024, in Little Rock, Arkansas on respondent's Motion to Dismiss for failure to prosecute pursuant to Arkansas Code Annotated §11-9-702 and Rule 099.13 of the Arkansas Workers' Compensation Act. The claimant was *pro se* and failed to appear for the hearing. The claimant had filed a Form AR-C on May 26, 2023, contending that she had injured her back/spine injury (left side of her back) that allegedly occurred on April 29, 2023. The First Report of Injury as well as the Form AR-2 timely submitted by the respondents on May 30, 2023, verified that the claim was denied for failure to meet the requirements of compensability pursuant to Arkansas Law. Correspondence from the Legal Advisor Division of the Commission on May 30, 2023, informed the claimant of the respondent's position.

A Motion to Dismiss was filed on or about December 20, 2023, requesting that the matter be dismissed for failure to prosecute pursuant to A.C.A. §11-9-702(a)(4) and Rule 099.13. The claimant has not requested a hearing to date and more than (6) six months have passed since the filing of the original claim nor is there any record of her contacting the Commission.

Appropriate notice was provided to the claimant notifying her that a hearing on the Motion to Dismiss was set for March 5, 2024, in Little Rock, Arkansas. The claimant did not file a response and failed to appear on the hearing date. At the time of the hearing, Eric Newkirk 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 an opportunity to hear the statements of the attorney for the respondent, it is found that this matter should be dismissed without prejudice, for failure to prosecute pursuant to Ark. Code Ann. §11-9-702 and Rule 099.13 of the Arkansas Workers' Compensation Act.

ORDER

Pursuant to the above statement of the case, there is no alternative but to dismiss this claim in its entirety, without prejudice, for failure to prosecute.

IT IS SO ORDERED.

JAMES D. KENNEDY
ADMINISTRATIVE LAW JUDGE