

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION
CLAIM NO. H000524**

JASON CAMPBELL, EMPLOYEE

CLAIMANT

**FUTURE ENERGY SERVICES OF OK, INC.,
EMPLOYER**

RESPONDENT

**IMPERIUM INS. CO. / NORTH AMERICAN
RISK SERVICES, INC., CARRIER/TPA**

RESPONDENT

OPINION FILED FEBRUARY 3, 2021

Hearing before Administrative Law Judge James D. Kennedy in Little Rock, Arkansas.

Claimant is *pro se* and failed to appear.

Respondents are represented by their attorney, Lee J. Muldrow, of Little Rock, Arkansas.

STATEMENT OF THE CASE

A hearing was held in the above-styled matter on February 2, 2021, in Little Rock, Arkansas on Respondents' Motion to Dismiss for failure to prosecute pursuant to Ark. Code Ann. § 11-9-702 and Rule 099.13 of the Arkansas Workers' Compensation Act. The claimant, who was *pro se* and whose name was called in the hallway after a request from the Administrative Law Judge, failed to appear. He had previously been represented by Laura Beth York, who had been allowed to withdraw by an Order of the Full Commission dated July 22, 2020. This claim involved an injury to the claimant's back which occurred on or about July 22, 2019. At the time of the hearing, it was noted that the claimant suffered a second injury with the same employer but with a different insurance carrier, and this separate claim had been assigned a separate case file numbered H000524, and that this matter was not involved in this hearing. The respondents filed a Motion to Dismiss on or about July 7, 2020. The respondents contend

that more than six (6) months have passed since the claimant filed a Form AR- C with the Commission and the claimant has not sought any type of hearing before the Arkansas Workers' Compensation over the last six (6) months in this matter.

An appropriate notice setting this matter for a hearing for a Motion to Dismiss was provided to the claimant by both certified and regular mail. A hearing was set for February 2, 2021, in regard to the Motion to Dismiss. At the time of the hearing, Lee Muldrow 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, there is no alternative but to find that this matter should be dismissed 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