

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. H302098

ROGER CANARD, EMPLOYEE

CLAIMANT

BRAY FAST FREIGHT, LLC, EMPLOYER

RESPONDENT

**ARKANSAS TRUCKING ASSOCIATION SI FUND,
CANNON COCHRAN MANAGEMENT SERVICES,
CARRIER/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. Guy Alton Wade, 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 24, 2023, contending that he had injured his head, neck, back, left knee, left ankle, left shoulder, chest cavity, right hip, and other whole body. The First Report of Injury in regard to this claim was filed on May 30, 2023, and it provided that the claimant was in the sleeper bunk of a truck when the co-driver had an accident. The Form AR-2 which had been previously filed on April 4, 2023, provided that the claim was accepted as compensable and all appropriate medical and indemnity benefits were being paid.

The claimant was originally represented by Laura Beth York who was allowed to withdraw by an Order from the Full Commission dated October 24, 2023, after she had made numerous attempts to get in touch with the claimant. A Motion to Dismiss by letter was filed on or about December 15, 2023, requesting that the matter be dismissed for failure to prosecute. The claimant has not requested a hearing to date and more than six (6) months have passed since the filing of the original claim nor is there any record of him contacting the Commission after the date his attorney was allowed to withdraw.

Appropriate notice was provided to the claimant notifying him 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, Guy Alton Wade 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 A.C.A. §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