

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. H205426

DANA CASON, EMPLOYEE

CLAIMANT

**DOLGENCORP, LLC D/B/A/
DOLLAR GENERAL, EMPLOYER**

RESPONDENT

**SEDGWICK CLAIMS MANAGEMENT
SERVICES, INC./TPA**

RESPONDENT

OPINION FILED SEPTEMBER 26, 2023

**Hearing before Administrative Law Judge James D. Kennedy in Mountain Home,
Baxter County, Arkansas.**

Claimant is *pro se* and failed to appear.

**Respondents are represented by their attorney, Mr. David C. Jones, of Little Rock,
Arkansas.**

STATEMENT OF THE CASE

A hearing was held in the above-styled matter on September 20, 2023, in Mountain Home, Arkansas on respondents' 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 alleged that she had sustained work injuries in the course and scope of her employment on July 24, 2022, including injuries to her head, neck, left hip, and left lower extremity. A Form AR-1 was filed with the Arkansas Workers' Compensation Commission on July 29, 2022. A Form AR-2 was filed with the Arkansas Workers' Compensation Commission on August 4, 2022, denying the claim. The Legal Advisor Division of the Commission sent a letter to the claimant notifying her that her claim had been denied and

advised her of her rights to prosecute her claim. On August 26, 2022, the claimant filed a letter with the Commission requesting a hearing based upon the denial of her claim.

On October 10, 2022, a Prehearing Questionnaire was sent to the claimant and the claimant failed to respond to the questionnaire. On October 26, 2022, the respondents propounded interrogatories and a medical authorization to the claimant which the claimant failed to respond to. No hearing request or further action has been taken by the claimant in regard to this matter in over six (6) months. A Motion to Dismiss was filed by the respondents in this matter on June 29, 2023.

Appropriate notice was provided to the claimant notifying her that a hearing on the Motion to Dismiss, was set for September 20, 2023, in Mountain Home, Arkansas. The claimant did not file a response and failed to appear on the hearing date. At the time of the hearing, David C. Jones 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, I find 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.

JAMES D. KENNEDY
ADMINISTRATIVE LAW JUDGE