

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION
CLAIM NO. H008267**

CRAIG CHISM, EMPLOYEE

CLAIMANT

PATHFINDER, INC., EMPLOYER

RESPONDENT

**ATA WORKERS' COMP SI TRUST/
RISK MANAGEMENT RESOURCES,
INSURANCE CARRIER/TPA**

RESPONDENT

OPINION FILED JULY 27, 2021

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

Claimant is represented by Laura Beth York, Attorney at Law, Little Rock, Arkansas.

Respondents are represented by Jarrod Parrish, Attorney at Law, Little Rock, Arkansas.

STATEMENT OF THE CASE

A hearing was held in the above-styled matter on June 23, 2021, in Little Rock, Arkansas, on the 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 was employed by Pathfinder, Inc., and alleged a right lower extremity injury on October 9, 2020. The claimant retained counsel and filed a Form AR-C on October 26, 2020, which the respondents denied with a Form AR-2 filed on October 27, 2020. The respondents filed a Motion to Dismiss on April 26, 2021, and an objection was made by the claimant's counsel, but as of the date of the hearing, no hearing on the issues had been requested.

An appropriate notice setting this matter for a hearing on the Motion to Dismiss was provided to the claimant by certified mail. A hearing was set for June 23, 2021, in

regard to the Motion to Dismiss. The claimant's representative, Laura Beth York, appeared on the date of the hearing and objected to the dismissal of the claim. At the time of the hearing, Jarrod Parrish 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 had an opportunity to hear the statements of the attorneys, 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**