

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. H207326

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| CHARITY D. COLES, EMPLOYEE | CLAIMANT |
| FAMILY VIOLENCE PREVENTION, EMPLOYER | RESPONDENT |
| FIRSTCOMP INSURANCE COMPANY MARKEL SEVICE, INC, CARRIER/TPA | RESPONDENT |

OPINION FILED OCTOBER 25, 2023

Hearing before Administrative Law Judge James D. Kennedy in Batesville, Independence County, Arkansas.

Claimant is *pro se* and failed to appear.

Respondents are represented by their attorney, Mr. Randy P. Murphy, Attorney-at-Law of Little Rock, Arkansas.

STATEMENT OF THE CASE

A hearing was held in the above-styled matter on October 25, 2023, in Batesville, Arkansas, on respondent's 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 *pro se* and failed to appear for the hearing. Claimant had been originally represented by Laura Beth York, who had been allowed to withdraw by an Order of the Full Commission, dated December 1, 2022. The claimant had alleged she had sustained a work-related injury entitling her to rehabilitation, medical expenses, and pay from lost time at work. The claimant has failed to take any action since requesting a hearing back on or about December 15, 2022, and apparently talking to a legal advisor with the Commission.

Appropriate notice was provided to the claimant notifying her that a hearing on the Motion to Dismiss was set for October 25, 2023, in Batesville, Arkansas. The claimant

did not file a response and failed to appear on the hearing date. At the time of the hearing, Randy P. Murphy 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.

IT IS SO ORDERED.

JAMES D. KENNEDY
ADMINISTRATIVE LAW JUDGE