

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. H108379

JOSEPH P. COOK, EMPLOYEE

CLAIMANT

BRYANT SCHOOL DISTRICT, EMPLOYER

RESPONDENT

**ARKANSAS SCHOOL BOARD ASSOCIATION,
CARRIER/TPA**

RESPONDENT

OPINION FILED AUGUST 2, 2022

Hearing before Administrative Law Judge James D. Kennedy in Little Rock, Pulaski County, Arkansas, on July 26, 2022.

Claimant is *Pro Se* and failed to appear.

Respondents are represented by Melissa Wood, Attorney-at-Law, of Little Rock, Arkansas.

STATEMENT OF THE CASE

A hearing was held in the above-styled matter on July 26, 2022, 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. A First Report of Injury provided that the employer was notified of the injury on September 7, 2021, in regard to a knee sprain. An Arkansas Workers' Compensation Form C was filed on or about October 19, 2021, stating that the claimant injured his right knee while on the football field. The claim was accepted as medical only. A Change of Physician Order was entered by the Commission on the 12th day of November, 2021, naming Dr. Lawrence O'Malley as the new treating physician. Later, on June 2, 2022, the workers' compensation claims adjuster, mailed a letter to the Clerk of the Commission requesting that the matter be dismissed. The documents made part of the record provided that the claimant had contacted the Legal Advisor Division of the

Commission. No type of *bona fide* hearing before the Workers' Compensation Commission had been requested in the last six (6) months.

A hearing was set for July 26, 2022, in regard to the Motion to Dismiss and the claimant failed to appear after appropriate notice. At the time of the hearing, Melissa Wood 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 respondent's attorney, there is no alternative but to find that the Motion to Dismiss should be granted at this time, and the matter should be dismissed without prejudice.

ORDER

Pursuant to the above, there is no alternative but to find that the Motion to Dismiss should be granted and this matter should be dismissed without prejudice at this time.

IT IS SO ORDERED:

JAMES D. KENNEDY
ADMINISTRATIVE LAW JUDGE