

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. H400009

JODY L. CORPIER, EMPLOYEE

CLAIMANT

E A REFROE & CO. INC. EMPLOYER

RESPONDENT

**CONTINENTAL CASUALTY CO./
CNA INSURANCE COMPANY**

RESPONDENT

OPINION FILED NOVEMBER 21, 2024

Hearing before Administrative Law Judge James D. Kennedy in Clinton, Arkansas on November 14, 2024.

Claimant is pro se and failed to appear.

Respondents are represented by their attorney, Ben Davis.

STATEMENT OF THE CASE

A hearing was held in the above styled matter on November 14, 2024, in Clinton, Arkansas, on respondent's Motion to Dismiss for failure to prosecute pursuant to Arkansas 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. The Claimant had alleged he had sustained a stroke due to stress created by his workload and the claim was filed on December 27, 2023, the date of the filing of the AR-C. The respondents denied and controverted the claim in its entirety, filing a form AR - 2 on January 12, 2024.

No action has been taken by the claimant to pursue this matter since the filing of Form AR-C on December 7, 2023, and 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 September 5, 2024.

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Appropriate notice was provided to the claimant notifying him that a hearing on the Motion to Dismiss was set for November 14, 2024, in Clinton, Arkansas. The claimant did not file a response and failed to appear on the hearing date. At the time of the hearing, Ben Davis 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.

JAMES D. KENNEDY
ADMINISTRATIVE LAW JUDGE