

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION**

**CLAIM NO. H302492**

<b>JOAN M. CURTIS, EMPLOYEE</b>	<b>CLAIMANT</b>
<b>CROSSING AT RIVERSIDE HEALTH, EMPLOYER</b>	<b>RESPONDENT</b>
<b>ASIT / CMSI, CARRIER/TPA</b>	<b>RESPONDENT</b>

**OPINION FILED DECEMBER 19, 2023**

**Hearing before Administrative Law Judge James D. Kennedy in Little Rock, Pulaski County, Arkansas on December 19, 2023.**

**Claimant is *pro se* and failed to appear.**

**Respondents are represented by their attorney, Mr. Jarrod S. Parrish, Attorney-at-Law of Little Rock, Arkansas.**

**STATEMENT OF THE CASE**

A hearing was held in the above-styled matter on December 19, 2023, in Little Rock, 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 filed a Form AR-C on April 4, 2023. The First Report of Injury was filed on April 26, 2023, and it provided that the injury did not occur on the premises of the employer. The From AR-2 was also filed on April 26, 2023, denying the claim. A Motion to Dismiss was filed on October 31, 2023, requesting that the matter be dismissed for failure to prosecute pursuant to Commission Rule 099.13 and Ark. Code Ann. §11-9-702. The claimant has not requested a hearing to date and more than six (6) months have passed since the filing of the original claim.

Appropriate notice was provided to the claimant notifying her that a hearing on the Motion to Dismiss was set for December 19, 2023, in Little Rock, Arkansas. The claimant did not file a response and failed to appear on the hearing date. At the time of the hearing, Jarrod S. 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 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.

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JAMES D. KENNEDY  
ADMINISTRATIVE LAW JUDGE