

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION
CLAIM NO. G603441**

LATONYA DAVIS, EMPLOYEE	CLAIMANT
CENTRAL MOLONEY, INC., SELF-INSURED EMPLOYER	RESPONDENT
RISK MANAGEMENT RESOURCES, CARRIER/TPA	RESPONDENT

OPINION FILED MARCH 31, 2021

Hearing before Administrative Law Judge James D. Kennedy in Little Rock, Pulaski County, Arkansas, on March 30, 2021.

Claimant is *pro se* and failed to appear.

Respondents are represented by their attorney, Melissa Wood, of Little Rock, Arkansas.

STATEMENT OF THE CASE

A hearing was held in the above-styled matter on March 30, 2021, in Little Rock, Arkansas, on the respondents' Motion to Dismiss for failure to prosecute pursuant to Rule 099.13 of the Arkansas Workers' Compensation Act. The claimant was originally represented by Andy Caldwell, who was allowed to withdraw as the claimant's attorney by an Order dated February 2, 2021. The claimant was *pro se* at the time of the hearing and failed to appear. The claimant filed a Form AR-C on or about August 10, 2016, where she alleged an injury to her wrists on May 7, 2016. The respondents filed a Form AR-2 on or about August 30, 2016, controverting the claim. The claimant has made no recent efforts to prosecute the claim, and more than six (6) months have passed since the filing of the claim. A Motion to Dismiss was filed on February 3, 2021, and the claimant has filed no response and taken no action in regard to this motion.

An appropriate notice setting this matter for a hearing on the Motion to Dismiss was provided to the claimant by both certified and regular mail, and a hearing was set for

March 30, 2021, for which the claimant failed to appear. Melissa Wood appeared on behalf of the respondents asking 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, pursuant to Rule 099.13 of the Arkansas Workers' Compensation Act.

ORDER

Pursuant to the above statement of the case, there is no alternative but to grant the Motion to Dismiss without prejudice at this time.

IT IS SO ORDERED.

**JAMES D. KENNEDY
ADMINISTRATIVE LAW JUDGE**