

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION
AWCC CLAIM NO.: H100192**

JOSEPH DOUTHIT, Employee	CLAIMANT
BELFLEX STAFFING NETWORK, LLC, Employer	RESPONDENT
TRUMBULL INSURANCE COMPANY, Carrier	RESPONDENT
THE HARTFORD, TPA	RESPONDENT

OPINION AND ORDER FILED AUGUST 30, 2021

Hearing conducted before Administrative Law Judge Terry Don Lucy, in Pulaski County, Arkansas.

Counsel for the Claimant: *pro se*.

Counsel for the Respondents: Honorable A. Gene Williams; Attorneys at Law, Little Rock, Arkansas.

The above-captioned matter came on for a hearing on August 25, 2021, with respect to the Respondents' Motion to Dismiss originally filed with the Commission on July 7, 2021. When the hall was sounded at the appointed time for the hearing, the Claimant was not present for such, nor did he appear during the ensuing proceedings. The Commission's file in this matter was deemed incorporated by reference into the record without objection for purposes of this Opinion and Order.

The Commission's file reflects that notice of the hearing was sent to the Claimant via certified and first-class mail from the Commission dated August 9, 2021, to her last known address, and was successfully delivered by the United States Postal Service on August 16, 2021.

The Commission's file further reflect that the Claimant filed a Form AR-C in this matter on January 6, 2021, and has not requested a hearing on the merits of her claim since that date. In addition, there is no indication that the Claimant herein has responded to or otherwise objected to the Respondents' pending Motion.

Given the Claimant's lack of objection to the Respondents' Motion, corresponding failure

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to appear at the hearing held on August 20, 2021, and apparent failure to request a hearing on the merits of his claim since January 6, 2021, I specifically find that the Claimant has failed to prosecute his claim in a timely manner and that dismissal thereof without prejudice is warranted pursuant to Ark. Code Ann. §11-9-702 and Commission Rule 099.13, for lack of prosecution, and hereby grant the Respondents' Motion.

The above-captioned matter is respectfully dismissed without prejudice effective August 25, 2021, and the Respondents are ordered and directed to pay the court reporter's fee within thirty days of billing for such.

IT IS SO ORDERED.

TERRY DON LUCY
Administrative Law Judge