

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION  
AWCC CLAIM NO.: H009965**

KOREY DUPREE, Employee	CLAIMANT
R & C STAFFING, Employer	RESPONDENT
TRAVELERS PROPERTY CASUALTY OF AMERICA, Carrier	RESPONDENT
TRAVELERS INSURANCE COMPANY, TPA	RESPONDENT

**OPINION AND ORDER FILED MAY 25, 2022**

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

Counsel for the Claimant: *pro se*.

Counsel for the Respondents: Honorable Guy A. Wade; Attorney at Law, Little Rock, Arkansas.

The above-captioned matter came on for a hearing on May 17, 2022, with respect to the Respondents' Motion to Dismiss filed with the Commission on March 14, 2022. 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. (TR 3-4) The Respondents appeared through their counsel, the Honorable Guy A. Wade. During the proceedings, Respondents' Exhibit No. 1 was introduced into the record without objection. (TR 4) In addition, the Commission's file in this matter was deemed incorporated by reference into the record without objection for purposes of this Opinion and Order. (TR 4-5)

It was noted on the record by the undersigned Administrative Law Judge that the present matter had been scheduled for a Joint Petition hearing on March 8, 2022, at which the Claimant failed to appear. (TR 5; 9) This matter was subsequently returned to the Commission's general files and, according to the Commission's file and statements of Counsel for the Respondents during the hearing, there has been no apparent activity by the Claimant to further prosecute his

claim since March 8, 2022. (*Id.*)

The Commission's file reflects that notice of the Respondents' Motion was sent to the Claimant via certified and first-class mail from the Commission dated March 15, 2022, to his last known address, which allowed him until April 4, 2022, to respond to such. The Commission's file also reflects that notice of the May 17, 2022, hearing was likewise sent to the Claimant by the Commission via certified and first-class mail dated April 6, 2022, to his same last known address. Both certified mailings were returned to the Commission; however, no first-class mail has been returned to either the Commission or to Counsel for the Respondents with respect to the Claimant's last known address. (TR 5-7)

As discussed on the record, there has been no Form AR-C filing in this matter to date; however, the Respondents filed their motion out of an abundance of caution with respect to the numerous efforts to schedule a Joint Petition hearing in this matter, and the extent to which such efforts might be construed in the future as a hearing request or that could potentially supplant a Form AR-C filing with respect to the injury of November 9, 2020. (TR 8-9) It was also noted on the record by the undersigned Administrative Law Judge that both the Commission and the Respondents had expended their best efforts to advise the Claimant of the pending Motion to Dismiss and the hearing held upon such. (TR 9-10)

Based on the foregoing discussion, review of the Commission's file, the transcript herein, and Respondents' Exhibit No. 1, and given the Claimant's lack of response or objection to the Respondents' Motion, corresponding failure to appear at the hearing held on May 17, 2022, and apparent failure to take any action in further prosecution of his claim since March 8, 2022, I specifically find that the Claimant has failed to prosecute the present matter in a timely manner and that, to the extent that actions taken thus far may be construed as a statutory claim for

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benefits, dismissal thereof without prejudice is warranted pursuant to Commission Rule 099.13, for lack of timely prosecution, and hereby grant the Respondents' Motion without prejudice.

The above-captioned matter is respectfully dismissed without prejudice effective May 17, 2022, 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.

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TERRY DON LUCY  
Administrative Law Judge