

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION
CLAIM NO.: H003018**

ALEJANDRO DURAN RODRIGUEZ, Employee	CLAIMANT
INTERSTATE DRYWALL, Employer	RESPONDENT
GRANITE STATE INSURANCE COMPANY, Carrier	RESPONDENT
AIG CLAIMS, INC., TPA	RESPONDENT

OPINION AND ORDER FILED JULY 28, 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 MELISSA WOOD, Attorney at Law, Little Rock, Arkansas.

The above-captioned matter came on for a hearing on July 27, 2021, for consideration of the Respondents' Motion to Dismiss originally filed with the Commission on February 12, 2021, and following delays occasioned by the Claimant as reflected in the Commission's file. When the hall was sounded at the appointed time for the hearing, the Claimant was not present and did not appear during the ensuing proceedings. During such proceedings, Respondent's Exhibit No. 1 was introduced into the record without objection, and the Commission's file was designated as part of the record without objection. Review of both reflects that the Claimant filed a Form AR-C on May 26, 2020, has not requested a hearing on the merits since that date, and that the Commission has taken all available measures to inform the Claimant of the hearing date inclusive of first-class and certified mail dated July 13, 2021. Given the Claimant's failure to appear at the hearing, failure to object to the Respondent's motion, and apparent failure to otherwise timely prosecute his claim since May 26, 2020, I specifically find that this matter should be, and hereby is, dismissed without prejudice for lack of timely prosecution pursuant to Ark. Code Ann. §11-9-702 and Commission

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Rule 099.13, effective July 27, 2021.

The Respondents are ordered and directed to pay the court reporter's fee within thirty days of billing for such pursuant to Commission Rule 099.20.

IT IS SO ORDERED.

Hon. Terry Don Lucy
ADMINISTRATIVE LAW JUDGE