

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. H300002

CHRISTOPHER EDMOND, EMPLOYEE

CLAIMANT

TYSON POULTRY, INC. EMPLOYER

RESPONDENT

TYSON POULTRY/TYNET CORP., CARRIER/TPA

RESPONDENTS

OPINION FILED 7 SEPTEMBER 2023

Hearing before Administrative Law Judge JayO. Howe in Little Rock, Pulaski County, Arkansas, on 6 September 2023.

Claimant Christopher Edmond, *pro se*, failed to appear.

Mr. Jeremy Swearingen, Attorney-at-Law, of Little Rock, Arkansas, appeared on behalf of the respondents.

STATEMENT OF THE CASE

A hearing was held in the above-styled matter on 6 September 2023, in Little Rock, Arkansas, on respondent's Motion to Dismiss for failure to prosecute pursuant to Arkansas Code Annotated § 11-9-702 and/or Rule 099.13 of the Arkansas Workers' Compensation Act. The claim involves an alleged workplace injury occurring on or about 23 November 2022. A Form AR-C was filed on the claimant's behalf by Laura Beth York of Rainwater Holt & Sexton on 28 December 2022. The respondents filed their Form AR-2 on 2 January 2023, accepting a compensable medical-only back injury claim.

On 21 April 2023 Ms. York requested that she be allowed to withdraw her representation of the claimant. By way of an Order dated 2 May 2023, the Full Commission granted that request. The respondents moved for dismissal for want of prosecution on 29 June 2023, stating that no benefits were in dispute and that the claimant had made no

request for a hearing on that or any other issue. The Commission provided notice of that motion and an opportunity to respond to the claimant by way of a 12 July 2023 letter.

The claimant did not respond to the respondents' motion or the Commission's letter to lodge an objection to the dismissal, and he failed to appear before the Commission for the hearing scheduled on the respondents' motion.

Based on the record, argument by counsel, and evidence before me, I am compelled to find that the Motion to Dismiss should be granted due to the claimant's lack of prosecution and the matter should be dismissed without prejudice.

ORDER

Pursuant to the above, there is no alternative but to find that the Motion to Dismiss should be granted and this matter should be dismissed without prejudice at this time.

SO ORDERED.

JAYO. HOWE
ADMINISTRATIVE LAW JUDGE