

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. H200740

MARGARET EJIUGU, EMPLOYEE

CLAIMANT

AVIMOE, LLC, EMPLOYER

RESPONDENT

LIBERTY MUTUAL, TPA/ CARRIER

RESPONDENT

OPINION FILED DECEMBER 13, 2024

Hearing before Administrative Law Judge James D. Kennedy in Little Rock, Arkansas on December 3, 2024.

Claimant is pro se and failed to appear.

Respondents are represented by their attorney, Jason Ryburn, of Little Rock Arkansas.

STATEMENT OF THE CASE

A hearing was held in the above styled matter on December 3, 2024, in Little Rock, Arkansas, on respondent's Motion to Dismiss for failure to prosecute pursuant to Arkansas Code Ann. 11-9-702 and Rule 099.13 of the Arkansas Workers' Compensation Act. The claimant was pro se and failed to appear for the hearing. The Claimant was allegedly injured on January 17, 2022, while at work. Multiple Form AR-Cs were filed in this matter with the most recent being filed on May 16, 2024. The initial claim for benefits was accepted by the Respondents and benefits were paid, but the Claimant later claimed additional injuries which were not accepted by the Respondents, and no benefits were paid in regard to these additional claims. The claimant was previously represented by Laura Beth York, who was allowed to withdraw by an Order from the Full Commission filed on September 26, 2024.

The claimant has failed to pursue this claim as required by law and a Motion to Dismiss was filed by the respondents in this matter on October 7, 2024. Appropriate notice was provided to the claimant notifying her that a hearing on the Motion to Dismiss was set for December 3, 2024, in Little Rock, Arkansas. The claimant did not file a response and failed to appear on the hearing date. At the time of the hearing, Jason Ryburn appeared on behalf of the Respondents and asked 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 Respondents, it is found that this matter should be dismissed without prejudice, for failure to prosecute pursuant to A.C.A. 11-9-702 and Rule 099.13 of the Arkansas Workers' Compensation Act.

ORDER

Pursuant to the above statement of the case, there is no alternative but to dismiss this claim in its entirety, without prejudice, for failure to prosecute.

JAMES D. KENNEDY
ADMINISTRATIVE LAW JUDGE