

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION**

**CLAIM NO. H403963**

**DAVID K. FOSTER LOPEZ, EMPLOYEE**

**CLAIMANT**

**MILLER SPECTACULAR SHOWS LLC,  
EMPLOYER**

**RESPONDENT**

**STAR INSURANCE COMPANY,  
INSURANCECARRIER/TPA**

**RESPONDENT**

**OPINION AND ORDER FILED JULY 30, 2025**

**The Hearing before Administrative Law Judge James D. Kennedy in Batesville, Arkansas, was held on July 23, 2025.**

**Claimant was pro-se and failed to appear.**

**Respondents were represented by Anna Catherine Cargile, of Little Rock, Arkansas.**

**STATEMENT OF THE CASE**

A hearing was held in the above styled matter on the 23<sup>rd</sup> day of July, 2025, in Batesville, Arkansas, on Respondent's Motion to Dismiss for failure to prosecute pursuant to Arkansas Code Ann. 11-702 and Rule 099.13 of the Arkansas Workers' Compensation Commission. The claimant was pro se and failed to appear on his own behalf. The respondents were represented by Anna Catherine Cargile of Little Rock, Arkansas.

A Form C was filed by the Claimant on June, 20<sup>th</sup>, 2024, alleging injuries to his hip, hand and heart on June 15, 2024. A second Form C was filed on or about September 5, 2024, alleging the same injuries. A third Form C was filed on October 8, 2024, again alleging the same injuries.

The Claimant was originally represented by Mark Peoples, who was allowed to withdraw by an Order of the Full Commission, dated December 9, 2024. A Motion to

Dismiss For Failure to Prosecute was filed on April 10, 2025, alleging that the matter should be dismissed due to a failure to prosecute pursuant to Rule 099.13 of the Arkansas Workers' Compensation Commission and also Arkansas Code Ann. 11-9-702 which provides for dismissal of a claim if no bona fide request for a hearing has been made within six (6) months of the filing of the claim. The Claimant failed to file a response to the Motion to Dismiss so an appropriate notice of a Motion to Dismiss hearing was provided to the Claimant setting the hearing for July 23, 2025, at 11:30 a.m., in Batesville, Arkansas.

A hearing was held on July 23, 2025, and the claimant failed to appear. The Respondents were represented by Anna Catherine Cargile, who requested that the matter be dismissed pursuant to Rule 099.13 of the Arkansas Workers' Compensation Commission and Arkansas Code Ann. 11-9-702.

**ORDER**

Pursuant to the above statement of the case, documents entered into the record, and statements by the Attorney for the Respondents, there is no alternative but to grant the Motion to Dismiss without prejudice pursuant to Rule 099.13 of the Arkansas Workers' Compensation Commission and Arkansas Code Ann. 11-9-702.

IT IS SO ORDERED.

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JAMES D. KENNEDY  
ADMINISTRATIVE LAW JUDGE