

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. H306985

SASHA E. GILES, EMPLOYEE

CLAIMANT

**AMAZON.COM SERVICES, INC.,
EMPLOYER**

RESPONDENT

**AMERICAN ZURICH INS. CO./
SEDGWICK CLAIMS MGMT. SVCS,
INC., INSURANCE CARRIER/TPA**

RESPONDENT

OPINION FILED NOVEMBER 21, 2024

Hearing before Administrative Law Judge James D. Kennedy in Little Rock, Arkansas on November 5, 2024.

Claimant is pro se and failed to appear.

Respondents are represented by their attorney, David C. Jones.

STATEMENT OF THE CASE

A hearing was held in the above styled matter on November 5, 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 had alleged that on or about July 15, 2023, she had sustained a back injury arising out of and during the course and scope of her employment with Amazon.Com, Inc. An AR-C was filed on her behalf on October 25, 2023, by her attorney at the time. On October 26, 2023, the Compliance Division of the Commission sent the carrier a notice of the Form AR- C filing and requested the carrier's position as well as requesting the filing of the required Forms AR-1 and AR- 2. A Form AR-1 and a Form AR-2 was filed on October 27, 2023, denying the claim in its entirety, based on the lack of evidence to support an injury having occurred during the course and scope of her employment.

On November 15, 2023, Defense counsel mailed a letter to the claimant's attorney, Mark Peoples, which included a medical authorization and discovery. On January 13, 2024, Claimant's attorney filed a Motion to Withdraw as Counsel, and after proper notice, the Full Commission entered an Order allowing the claimant's attorney to withdraw based upon the lack of an objection. No hearing request or further action has been taken by the claimant in regard to this matter in over six (6) months. A Motion to Dismiss was filed by the respondents in this matter on September 9, 2024.

Appropriate notice was provided to the claimant notifying her that a hearing on the Motion to Dismiss, was set for November 5, 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, David C. Jones 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 Respondent, 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