

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. H101615

PATRICIA GOFF, EMPLOYEE

CLAIMANT

SEARCY HEALTHCARE, LLC, EMPLOYER

RESPONDENT

**ZURICH AMERICAN INSURANCE COMPANY, CARRIER /
TRISTAR RISK MANAGEMENT GROUP, TPA**

RESPONDENT

OPINION FILED FEBRUARY 28, 2023

**Hearing before Administrative Law Judge James D. Kennedy on February 22, 2023,
in Batesville, Independence County, Arkansas.**

Claimant is *pro se* and failed to appear.

**Respondents are represented by their attorney, Mr. Joseph H. Purvis, of Little
Rock, Arkansas.**

OPINION

A hearing was held in the above-styled matter on February 22, 2023, in Batesville, Arkansas, on respondent's Motion to Dismiss for failure to prosecute pursuant to Arkansas Code Annotated §11-9-702 and Rule 099.13 of the Arkansas Workers' Compensation Act. The claimant failed to appear at the hearing. The employer, Searcy Healthcare, LLC, filed a First Report of Injury on February 11, 2021. The claimant filed an Arkansas Form-C on March 8, 2021, contending she had injured her neck, back, right shoulder, right wrist, and other parts of her body. The respondents initially accepted the injury to claimant's right wrist and shoulder, as well as middle back. The claimant was originally represented by counsel, but counsel was allowed to withdraw by an Order dated October 25, 2022. A Motion to Dismiss for Failure to Prosecute was filed by the respondents on or about September 28, 2022.

An appropriate notice setting this matter for a hearing on February 22, 2023, was provided, and the claimant did not file an objection or appear at the hearing in Batesville, Arkansas.

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, I find that this matter should be dismissed for failure to prosecute pursuant to Arkansas Code Annotated §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.

IT IS SO ORDERED.

JAMES D. KENNEDY
ADMINISTRATIVE LAW JUDGE