

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. H302396

REBECCA R. HALL, EMPLOYEE	CLAIMANT
KOHL'S DEPARTMENT STORES, INC., EMPLOYER	RESPONDENT
SAFETY NATIONAL CASUALTY CORPORATION / SEDGWICK CLAIMS MANAGEMENT SERVICES, INC., CARRIER/TPA	RESPONDENT

OPINION FILED DECEMBER 19, 2023

Hearing before Administrative Law Judge James D. Kennedy in Little Rock, Pulaski County, Arkansas on December 19, 2023.

Claimant is *pro se* and failed to appear.

Respondents are represented by their attorney, Mr. Michael E. Ryburn, Attorney-at-Law of Little Rock, Arkansas.

STATEMENT OF THE CASE

A hearing was held in the above-styled matter on December 19, 2023, in Little Rock, Arkansas on respondents' 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 was *pro se* and failed to appear for the hearing. The claimant had filed a Form AR-C on April 13, 2023, alleging back pain with the injury occurring November 14, 2022. A Form AR-2 was filed on April 25, 2023, which provided that it was a medical only claim. The claimant has not requested a hearing, to date, and more than six (6) months have passed since the filing of the original claim. Respondents filed a Motion to Dismiss on October 17, 2023, requesting that the matter be dismissed for lack of prosecution pursuant to Commission Rule 099.13 and A.C.A. §11-9-702.

Appropriate notice was provided to the claimant notifying her that a hearing on the Motion to Dismiss was set for December 19, 2023, 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, Mr. Michael E. 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 respondent, I find that this matter should be dismissed without prejudice, for failure to prosecute pursuant to Ark. Code Ann. §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