

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION**

**CLAIM NO. H205886**

<b>JESSICA HAMILTON, EMPLOYEE</b>	<b>CLAIMANT</b>
<b>HOME DEPOT, EMPLOYER</b>	<b>RESPONDENT</b>
<b>LIBERTY MUTUAL INS. CO. CARRIER/TPA</b>	<b>RESPONDENT</b>

**OPINION FILED DECEMBER 12, 2023**

**Hearing before Administrative Law Judge James D. Kennedy in Little Rock, Pulaski County, Arkansas on December 5, 2023.**

**Claimant is *pro se* and failed to appear.**

**Respondents are represented by their attorney, Mr. Jason M. Ryburn, Attorney-at-Law of Little Rock, Arkansas.**

**STATEMENT OF THE CASE**

A hearing was held in the above styled matter on December 5, 2023, in Little Rock, 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 was *pro se* and failed to appear for the hearing. The Claimant had alleged an injury date of February 11, 2022, and filed a Form AR-C on August 19, 2022, contending that she suffered a contusion while helping pull out a roll of vinyl. There was no lost time involved with this claim per the Form AR-C. The claimant was originally represented by Laura Beth York who was allowed to withdraw by an Order of the Full Commission dated September 26, 2023. The claimant had not requested a hearing or taken the necessary steps to go to a hearing. A Motion to Dismiss was filed on September 27, 2023, requesting that the matter be dismissed.

No hearing request or further action had 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 27, 2023.

Appropriate notice was provided to the claimant notifying her that a hearing on the Motion to Dismiss, was set for December 5, 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. Jason M. 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 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.

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JAMES D. KENNEDY  
ADMINISTRATIVE LAW JUDGE