

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION**

**CLAIM NO. H208861**

**DELILAR HARRIS, EMPLOYEE**

**CLAIMANT**

**CUSTOM CRAFT POULTRY, INC., EMPLOYER**

**RESPONDENT**

**OWNERS INSURANCE COMPANY/  
CARRIER/TPA**

**RESPONDENT**

**OPINION FILED NOVEMBER 21, 2023**

**Hearing before Administrative Law Judge James D. Kennedy in Little Rock, Pulaski County, Arkansas, on November 21, 2023.**

**Claimant is *pro se* and did not appear.**

**Respondents are represented by Mr. Zachary F. Ryburn, Attorney-at-Law of Little Rock, Arkansas.**

**STATEMENT OF THE CASE**

A hearing was held in the above-styled matter on November 21, 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 contended that she sustained an injury to her right shoulder on or about November 3, 2022, and filed a Form AR-C on December 22, 2022. The claim was accepted and all appropriate benefits were paid. On February 8, 2023, claimant was released to full-duty. An Order was obtained from the Full Commission on August 25, 2023, that allowed the claimant's attorney, Mr. B. Tanner Thomas, to withdraw from this matter. The claimant has not requested a hearing and no action has been taken by the claimant in over six (6) months. A Motion to Dismiss for failure to prosecute was filed on August 29, 2023, and the claimant failed to respond to the motion.

A hearing was set for November 21, 2023, in regard to the Motion to Dismiss. The claimant failed to appear at the hearing after proper notice. At the time of the hearing, Mr. Zachary F. 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 had an opportunity to hear the statements of the respondent's attorney, there is no alternative but to find that the Motion to Dismiss should be granted at this time, and the matter should be dismissed without prejudice.

**ORDER**

Pursuant to the above, there is no alternative but to find that the Motion to Dismiss should be granted and this matter should be dismissed without prejudice pursuant to Arkansas Code Annotated §11-9-702 and Rule 099.13 of the Arkansas Workers' Compensation Act at this time.

IT IS SO ORDERED:

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JAMES D. KENNEDY  
ADMINISTRATIVE LAW JUDGE