

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION
CLAIM NO. H005352**

GEORGE A. HASTY, EMPLOYEE

CLAIMANT

MMI CONSTRUCTION, EMPLOYER

RESPONDENT

**LIBERTY MUTUAL GROUP,
INSURANCE CARRIER/TPA**

RESPONDENT

OPINION FILED JUNE 16, 2021

Hearing before Administrative Law Judge James D. Kennedy in Little Rock, Pulaski County, Arkansas, on June 15, 2021.

Claimant is *pro se* and failed to appear.

Respondents are represented by their attorney, Jason Ryburn.

STATEMENT OF THE CASE

A hearing was held in the above-styled matter on June 15, 2021, in Little Rock, Arkansas, on the respondents' Motion to Dismiss for failure to prosecute pursuant to Ark. 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 was employed by MMI Construction, alleged a work-related injury on July 24, 2020, and filed a Form AR-C on or about August 24, 2020. A First Report of Injury was filed on August 3, 2020, which provided that the claimant had suffered injuries to multiple body parts. A Motion to Dismiss was filed on March 19, 2021. On or about April 15, 2021, a Motion to Withdraw as Counsel, which stated that the claimant had not been in contact with his attorney for over a year, was filed by Steven R. McNeely. An Order was filed on May 7, 2021, granting the Motion to Withdraw.

An appropriate notice setting this matter for a hearing for the Motion to Dismiss was provided to the claimant by both certified and regular mail. A hearing was set for June 15, 2021, in regard to the Motion to Dismiss. The claimant failed to appear on the hearing date in Little Rock, Arkansas. At the time of the hearing, Jason 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 respondents, I find that this matter should be dismissed 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**