

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

AWCC FILE No H301227

CHAVAUN HOPKINS, EMPLOYEE	CLAIMANT
INTERNATIONAL, INC. d/b/a CHILP'S BAR & GRILL, EMPLOYER	RESPONDENT
SAFETY NATIONAL CASUALTY CORP./ HELMSMAN MNGMT. CORP., CARRIER/TPA	RESPONDENT

OPINION FILED 21 MARCH 2024

Heard before Arkansas Workers' Compensation Commission (AWCC) Administrative Law Judge JayO. Howe, 20 March 2024, in Little Rock, Pulaski County, Arkansas.

The *pro se* claimant did not appear.

Mr. David C. Jones, Attorney-at-Law of Little Rock, Arkansas, appeared for the respondents.

STATEMENT OF THE CASE

A hearing on the respondents' Motion to Dismiss was held on this matter in Little Rock, Arkansas, on 20 March 2024. This case relates to an alleged workplace injury sustained on 14 February 2023, when she slipped on a lemon wedge. A First Report of Injury was filed on 22 February 2023. A Form AR-2 was filed on 28 February 2023 accepting the claim. On 25 April 2023, a Form AR-C was filed by the claimant's counsel.

On 18 September 2023, claimant's counsel sought to withdraw from the case, and by its Order dated 3 October 2023, the Full Commission granted that request to withdraw.

The respondents filed their Motion to Dismiss for Failure to Prosecute on 14 December 2023, stating that the claimant had not sought a hearing on any matter at controversy in the six (6) months preceding that filing. The claimant did not file an objection to the dismissal or appear at the hearing to argue against the respondents' motion. The respondents

appeared, presented their motion, and offered supporting evidence into the record. As argued by the respondents at the hearing, the file reflects no request for a hearing on a claim in the relevant time preceding the filing of that motion.

Arkansas Code Annotated §11-9-702(a)(4) states that a matter may be dismissed without prejudice after six (6) months without a *bona fide* request for a hearing. Commission Rule 099.13 provides for a dismissal for failure to prosecute an action upon application by either party. Based on the record, the available evidence, and the arguments of the respondents' counsel, I find that the respondents' Motion to Dismiss should be granted and that the matter should be dismissed without prejudice.

ORDER

The Motion to Dismiss is GRANTED, and this matter is DISMISSED WITHOUT PREJUDICE.

SO ORDERED.

JAYO. HOWE
ADMINISTRATIVE LAW JUDGE