

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION
CLAIM NO. H005333**

JASON HOWELL, EMPLOYEE	CLAIMANT
SAINT JEAN INDUSTRIES, INC., EMPLOYER	RESPONDENT
AMERISURE INS. CO., INSURANCE CARRIER/TPA	RESPONDENT

OPINION FILED JUNE 16, 2021

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

Claimant is *pro se* and failed to appear.

Respondents are represented by their attorney, Karen H. McKinney, Little Rock, Arkansas.

STATEMENT OF THE CASE

A hearing was held in the above-styled matter on June 8, 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 originally represented by Laura Beth York, who was allowed to withdraw from the case by an Order of the Full Commission dated March 31, 2021. The claimant was *pro se* at the time of the hearing and failed to appear.

The claimant alleged that he sustained an injury to his back, neck, and whole body during the course and in the scope of his employment by a Form AR-C filed August 3, 2020. The respondents filed the First Report of Injury on August 4, 2020, and a Form AR-2 on August 6 accepting the claim as compensable. Discovery was propounded by the parties, and the claimant was released from care with no restrictions on November 10, 2020. In the past six (6) months, the claimant has not requested a hearing on his

claim. No action to pursue the claim has been taken for over six (6) months, and his lack of action led to a filing of a Motion to Dismiss.

An appropriate notice setting this matter for a hearing for a Motion to Dismiss was provided to the claimant by both certified and regular mail. A hearing was set for June 8, 2021, in regard to the Motion to Dismiss. The claimant did not file a response and failed to appear on the hearing date in Little Rock, Arkansas. At the time of the hearing, Karen H. McKinney 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, there is no alternative but to 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