

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION**  
**AWCC CLAIM NO.: H005396**

ANSON HUDGENS, Employee	CLAIMANT
O'REILLY AUTOMOTIVE, Employer	RESPONDENT
AIU INSURANCE COMPANY, Carrier	RESPONDENT
AIG CLAIMS, INC., TPA	RESPONDENT

**OPINION AND ORDER FILED JULY 20, 2021**

Hearing conducted before Administrative Law Judge Terry Don Lucy, in Crittenden County, Arkansas.

Counsel for the Claimant: *pro se*.

Counsel for the Respondents: Honorable Curtis L Nebben; Attorney at Law, Fayetteville, Arkansas.

The above-captioned matter came on for a hearing on July 16, 2021, with respect to the Respondents' Motion to Dismiss filed with the Commission on or about May 24, 2021. When the hall was sounded at the appointed time for the hearing, the Claimant was not present for such, nor did he appear during the ensuing proceedings. During such, the Commission's file herein was designated as part of the record without objection from the only appearing party and is deemed incorporated by reference for purposes of this Opinion and Order.

The Commission's file reflects that, on July 7, 2021, the Claimant contacted the Commission's Legal Advisor Division and explained that he had received a letter regarding the Respondents' Motion to Dismiss and did not want to pursue his claim or go to court.

Given the Claimant's lack of objection to the Respondents' Motion, failure to appear at the hearing held on July 16, 2021, and documented desire to not pursue his claim, I specifically find that the Claimant has failed to prosecute his claim in a timely manner and that dismissal thereof without prejudice is warranted pursuant to Ark. Code Ann. §11-9-702 and Commission Rule

Hudgens -- H005396

099.13, for lack of prosecution, and hereby grant the Respondents' Motion.

The above-captioned matter is respectfully dismissed without prejudice effective July 16, 2021, and the Respondents are ordered and directed to pay the court reporter's fee within thirty days of billing for such.

IT IS SO ORDERED.

---

TERRY DON LUCY  
Administrative Law Judge