

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. H103552

WOODROW JACKSON, JR., EMPLOYEE	CLAIMANT
RJ II, INC. EMPLOYER	RESPONDENT
SAGAMORE INS./PROTECTIVE INS., CARRIER/TPA	RESPONDENT

OPINION FILED 16 NOVEMBER 2023

Hearing before Administrative Law Judge JayO. Howe in Little Rock, Pulaski County, Arkansas, on 15 November 2023.

Claimant, Woodrow Jackson, Jr., *pro se*, did not appear.

Ms. Karen H. McKinney, Attorney-at-Law for the Barber Law Firm, appeared on behalf of the respondents.

STATEMENT OF THE CASE

A hearing was held in the above-styled matter on 15 November 2023, in Little Rock, Arkansas, on the respondents' Renewed Motion to Dismiss for failure to prosecute pursuant to Arkansas Code Annotated § 11-9-702 and/or Rule 099.13 of the Arkansas Workers' Compensation Act. The claim involves an alleged workplace injury occurring on 20 March 2021. The respondents initially moved to dismiss this action for failure to prosecute by way of a Motion filed 12 June 2023. After the claimant requested a hearing on the matter, that Motion was held in abeyance, by way of a letter to the parties dated 29 June 2023, pending progress towards a hearing on the matter.

A prehearing telephone conference was scheduled, but canceled upon a request for the same from the claimant's counsel, who subsequently moved to withdraw her representation by way of a letter to the Clerk of the Commission dated 24 August 2023. The Full Commission granted the withdrawal as counsel in a 6 September 2023 Order. Then, on 11 September

2023, the respondents renewed their Motion for a Dismissal Without Prejudice. Notice of that Motion and then for a hearing on the Motion was sent accordingly.

The claimant did not respond to the respondents' Motion or the Commission's letter to lodge an objection to the dismissal, and he did not appear before the Commission for the scheduled hearing on the respondents' Motion.

Based on the record, argument by counsel, and evidence before me, I am compelled to find that the Motion to Dismiss should be granted due to the claimant's lack of prosecution 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 at this time.

SO ORDERED.

JAYO. HOWE
ADMINISTRATIVE LAW JUDGE