

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION
CLAIM NO. H002292**

CHARLOTTE JONES, EMPLOYEE	CLAIMANT
OMP FARMS, LLC, EMPLOYER	RESPONDENT
BRIDGEFIELD CASUALTY INS. CO. / SUMMIT CONSULTING, LLC, CARRIER/TPA	RESPONDENT

OPINION FILED FEBRUARY 25, 2021

Hearing before Administrative Law Judge James D. Kennedy on February 25, 2021, in Little Rock, Pulaski County, Arkansas.

Claimant is represented by her attorney, Whitney James.

Respondents are represented by their attorney, Phillip Brick.

STATEMENT OF THE CASE

A hearing was held in the above-styled matter on February 25, 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 represented by Whitney James, who waived her right to appear and stated through her representative that she did not object to a dismissal without prejudice. The claim involved an injury which was claimed to have occurred on or about January 3, 2020, with the first report of injury filed on or about April 20, 2020. The claimant filed a Form AR-C on June 8, 2020. The claim was denied in its entirety. The respondents contend that the claimant has failed to timely respond to its' discovery, that more than six (6) months have passed since the claimant filed a Form AR- C with the Commission, and that the claimant has not sought any type of hearing before the Arkansas Workers'

Compensation over the last six (6) months and that this lack of action led to the 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 February 25, 2021, in regard to the Motion to Dismiss. The claimant filed a response stating that they had no objection to the matter being dismissed without prejudice and that they would not appear on the hearing date in Little Rock, Arkansas. At the time of the hearing, Phillip Brick, who appeared in the place of Guy Alton Wade and on behalf of the respondents, 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 respondent, 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**