

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION
CLAIM NO. G907190**

DARRYL L. JONES, EMPLOYEE

CLAIMANT

CITY OF HEBER SPRINGS, EMPLOYER

RESPONDENT

**ARKANSAS MUNICIPAL LEAGUE,
INSURANCE CARRIER/TPA**

RESPONDENT

OPINION FILED DECEMBER 16, 2021

Hearing before Administrative Law Judge James D. Kennedy in Little Rock, Pulaski County, Arkansas, on December 14, 2021.

Claimant is represented by Mark Alan Peoples, Attorney at Law, Little Rock, Arkansas.

Respondents are represented by Mary Edwards, Attorney at Law, North Little Rock, Arkansas.

STATEMENT OF THE CASE

A hearing was held in the above-styled matter on December 14, 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 respondents had filed a First Report of Injury on October 31, 2019, which stated that the claimant had twisted his knee while stepping out of a truck. The claimant, who was employed by the City of Heber Springs, filed a Form AR-C on January 3, 2020, contending that he had injured his knee in a work-related accident. A Prehearing Order was filed on July 27, 2020, setting this matter for a hearing on October 7, 2020. The hearing was continued at the request of the claimant. No action has been taken by the claimant since that time. The respondents filed a Motion to Dismiss on or about November 1, 2021.

An appropriate notice setting this matter for a hearing on the Motion to Dismiss was provided to the claimant and respondents. A hearing was set for December 14, 2021, in regard to the Motion to Dismiss. The claimant's representative, Mark Peoples, contacted the Commission and stated that the claimant does not oppose the dismissal of his claim without prejudice and was allowed to waive his appearance for the hearing. At the time of the hearing, Mary Edwards 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 had an opportunity to hear the statements of the attorneys, 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**