

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. H107623

CRAIG KEE, EMPLOYEE

CLAIMANT

WMK, LLC, EMPLOYER

RESPONDENT

**TRUMBULL INSURANCE COMPANY,
CARRIER / TPA**

RESPONDENT

OPINION FILED SEPTEMBER 6, 2022

**Hearing before Administrative Law Judge James D. Kennedy in Little Rock,
Pulaski County, Arkansas, on September 6, 2022.**

Claimant is *pro se* and failed to appear.

**Respondents are represented by Mr. A. Gene Williams, Attorney at Law of Little
Rock, Arkansas.**

STATEMENT OF THE CASE

A hearing was held in the above styled matter on September 6, 2022, in Little Rock, Arkansas, on Respondents' Motion to Dismiss for failure to prosecute pursuant to Rule 099.13 of the Arkansas Workers' Compensation Act. The Claimant failed to appear. He had previously failed to respond to the Prehearing Questionnaire issued by the Commission. Further, the Claimant had taken no action on this claim in the last six months. It was the Respondents' position the Claimant contended he suffered from some type of allergic reaction while working for the Respondent while renovating vans for the handicapped. The claim was rejected. On or about January 3, 2022, the Claimant mailed a handwritten note to the Commission stating he would like to appeal his "worker's comp case."

The Respondents filed a Motion to Dismiss on July 11, 2022, and a hearing for the Motion to Dismiss, was set for September 6, 2022. At the time of the hearing, Mr. Gene Williams appeared on behalf of the Respondents, and the Claimant failed to appear.

After a review of the record as a whole, which appeared to include proper notice, and all evidence properly before the Commission, and having had an opportunity to hear the statements of the Respondents' attorney, there is no alternative but to find that the Motion to Dismiss should be granted at this time, 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.

IT IS SO ORDERED.

JAMES D. KENNEDY
ADMINISTRATIVE LAW JUDGE