

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION
CLAIM NO. H005584**

DREAMA KIRK, EMPLOYEE

CLAIMANT

P.A.M. TRANSPORT, INC., SELF INSURED EMPLOYER

RESPONDENT

OPINION FILED JUNE 16, 2021

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

Claimant is *pro se* and failed to appear.

Respondents are represented by their attorney, David C. Jones, Attorney at Law, Little Rock, Arkansas.

STATEMENT OF THE CASE

A hearing was held in the above-styled matter on June 8, 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 originally represented by Neal Hart, who was allowed to withdraw from the case by an Order of the Full Commission dated January 15, 2021. The claimant was *pro se* at the time of the hearing and failed to appear.

The claimant alleged she sustained injuries to multiple body parts, including but not limited to her shoulders, during the course and in the scope of her employment by a Form AR-C filed August 21, 2020. The respondents filed the First Report of Injury on August 11, 2020, and a Form AR-2 on August 17, 2020, accepting the claim as compensable for the left shoulder, scheduling the claimant for modified duty on August 20, 2020, and starting temporary partial disability (TPD). Discovery was propounded by the respondents on September 17, 2020, but no answers were apparently received. The claimant was released from care for failure to comply on October 14, 2020. In the past

six (6) months, the claimant has not requested a hearing on her claim. No action to pursue the claim has been taken for over six (6) months, and this lack of action led to the filing of a Motion to Dismiss.

An appropriate notice setting this matter for a hearing on the Motion to Dismiss was provided to the claimant by both certified and regular mail. A hearing was set for June 8, 2021, in regard to the Motion to Dismiss. The claimant did not file a response and failed to appear on the hearing date in Little Rock, Arkansas. At the time of the hearing, David C. Jones 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 an opportunity to hear the statements of the attorney for the respondents, 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