

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. H006756

KEITH M. KNEE, EMPLOYEE

CLAIMANT

FULTON COUNTY JUDGE, EMPLOYER

RESPONDENT

**BAPTIST HEALTH SYSTEM/
CLAIMS ADMINISTRATIVE SERVICES, CARRIER/TPA**

RESPONDENT

OPINION FILED JUNE 21, 2022

Hearing before Administrative Law Judge James D. Kennedy in Little Rock, Pulaski County, Arkansas, on June 15, 2022.

Claimant is *Pro Se* and failed to appear.

Respondents are represented by Mr. Jason M. Ryburn, Attorney-at-Law, of Little Rock, Arkansas.

STATEMENT OF THE CASE

A hearing was held in the above-styled matter on June 15, 2022, in Mountain Home, Arkansas, on respondent's 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 contended that he was injured on April 7, 2020, when he fell from a grader tire that he was standing on, which resulted in the claimant contending that he was knocked out. He filed an AR-C on September 16, 2020. The respondents filed a Form 2 on September 25, 2020, denying the claim. The claimant has not sought any type of *bona fide* hearing before the Workers' Compensation Commission in the last six (6) months.

A hearing was set for June 15, 2022, in regard to the Motion to Dismiss and the claimant failed to appear after appropriate notice. At the time of the hearing, Mr. Jason M. Ryburn 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 respondent's 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