

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION
CLAIM NOS.: G800643 & G805531**

HOMER LASTER, Employee	CLAIMANT
MARION SCHOOL DISTRICT, Self-Insured Employer	RESPONDENT
ARKANSAS SCHOOL BOARDS' ASSOCIATION WORKERS' COMPENSATION TRUST, Carrier/TPA	RESPONDENT

OPINION AND ORDER FILED JANUARY 18, 2022

Hearing conducted before ADMINISTRATIVE LAW JUDGE TERRY DON LUCY, in
Crittenden County, Arkansas.

Counsel for the Claimant: *pro se*.

Counsel for the Respondents: HONORABLE GUY ALTON WADE, Attorney at Law, Little
Rock, Arkansas

The above-captioned matters came on for a hearing on January 7, 2022, with respect to the Respondents' Renewed Motion to Dismiss filed with the Commission on November 22, 2021. When the hall was sounded at the appointed time for the hearing, the Claimant was not present for such, nor did he appear during the ensuing proceedings.

During the hearing, the Commission's files in each of these matters were deemed incorporated by reference into the record with respect to the current proceedings, inclusive of the transcript (and exhibits) of previous proceedings held on April 16, 2021, and the resulting Opinion and Order filed on April 20, 2021, the latter of which is regarded as the law of the case.

The Commission's files reflect that notice of the Respondents' Motion was sent to the Claimant via certified and first-class mail from the Commission dated November 29, 2021, to his last known address and that notice of the hearing was likewise sent to the Claimant via certified and first-class mail from the Commission dated December 21, 2021, to the same last known address. The Commission's files further reflect that the Claimant contacted the Commission's

Legal Advisor Division by telephone on December 14, 2021, and expressly stated that he did not want to pursue his claims. In addition, the Claimant provided correspondence to the Commission dated December 16, 2021, and received on December 21 and 27, 2021, which indicated that he wished to withdraw from further prosecution of his claims. Obviously, such communications reflect that the Claimant received notice of the Respondents' Motion and no longer intends to prosecute his claims.

The Commission's files do not suggest any response by the Claimant with respect to the pending Motion to Dismiss other than his above-noted contacts with the Commission. Also, there is no indication that the Claimant has taken any measures to further prosecute his claims since the previous Opinion and Order of April 20, 2021.

Given the Claimant's lack of objection to the Respondents' Motion, corresponding failure to appear at the hearing held on January 7, 2022, express desire to not prosecute the present matters, and apparent failure to take any action with respect to the merits of these matters since April 20, 2021, I specifically find that the Claimant has failed to prosecute the present matters in a timely manner and that dismissal thereof without prejudice is warranted pursuant to Ark. Code Commission Rule 099.13, for lack of timely prosecution, and hereby grant the Respondents' Motion.

The above-captioned matters are respectfully dismissed without prejudice effective January 7, 2022, and the Respondents are ordered and directed to pay the court reporter's fee within thirty days of billing for such.

IT IS SO ORDERED.

TERRY DON LUCY
Administrative Law Judge