

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. H305786

THOMAS A. MANESS, EMPLOYEE

CLAIMANT

ULTIMATE FORD, INC., EMPLOYER

RESPONDENT

**RISK MANAGEMENT RESOURCES,
CARRIER / TPA**

RESPONDENT

OPINION FILED APRIL 9, 2024

Hearing before Administrative Law Judge James D. Kennedy in Little Rock, Pulaski County, Arkansas on April 9, 2024.

Claimant is represented by Mr. Mark Alan Peoples, Attorney-at-Law of Little Rock, Arkansas, who waived his right of appearance as long as it was agreed that if the matter was dismissed, it would be dismissed without prejudice.

Respondents are represented by Mr. Jarrod S. Parrish, Attorney-at-Law of Little Rock, Arkansas.

STATEMENT OF THE CASE

A hearing was held in the above-styled matter on April 9, 2024, in Little Rock, Arkansas, on respondents' Motion to Dismiss for failure to prosecute pursuant to Arkansas Code Annotated §11-9-702 and Rule 099.13 of the Arkansas Workers' Compensation Act. The claimant was represented by Mark Alan Peoples who waived his right of appearance as long as it was agreed that if the matter was dismissed, it would be dismissed without prejudice. The claimant had filed a Form AR-C on November 27, 2023, contending that he had injured his left thumb and hand. The First Report of Injury in regard to this claim had been filed previously on September 1, 2023, stating that the claim consisted of a contusion or strain. The Form AR- 2 filed on September 15, 2023, provided that the claim occurred on August 31, 2023, and that disability was continuous for the first eight (8) days.

The claimant was represented by Mark Alan Peoples. A Motion to Dismiss was filed on March 13, 2024, requesting that the matter be dismissed for failure to prosecute pursuant to Commission Rule 099.13 and Ark. Code Ann. §11-9-702. The claimant has not requested a hearing to date and more than six (6) months have passed since the filing of the original claim. The claimant's attorney waived his appearance if it was agreed that the claim would be dismissed without prejudice.

Appropriate notice was provided to the claimant notifying him that a hearing on the Motion to Dismiss was set for April 9, 2024, in Little Rock, Arkansas. At the time of the hearing, Jarrod S. Parrish 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 respondent, it is found that this matter should be dismissed without prejudice, 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