

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION
CLAIM NO.: H109438**

SADIO MUSTAFA, Employee	CLAIMANT
AMAZON.COM SERVICES, LLC, Employer	RESPONDENT
AMERICAN ZURICH INSURANCE COMPANY, Carrier	RESPONDENT

OPINION AND ORDER FILED SEPTEMBER 7, 2022

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

Counsel for the Claimant: *pro se*.

Counsel for the Respondents: Honorable RICK BEHRING, JR.; Attorney at Law, Little Rock, Arkansas.

The above-captioned matter came on for a hearing on August 16, 2022, with respect to the Respondents' Motion to Dismiss filed with the Commission on June 20, 2022. When the hall was sounded at the appointed time for the hearing, the Claimant was not present for such, nor did she appear during the ensuing proceedings. (TR 3-4; 14)

Following sounding of the hall, the Commission's file in this matter was deemed incorporated by reference into the record without objection, inclusive of a prior Order to Compel Discovery issued by the undersigned Administrative Law Judge on June 9, 2022, which is also included in Respondents' Exhibit No. 1. (TR 5; RX 1 at 33) In addition, Respondents' Exhibit No. 1 was likewise admitted into the record without objection. (TR 4)

The Commission's file and Respondents' Exhibit No. 1, along with statements made by Counsel for the Respondents during the hearing, make it quite evident that the Claimant failed to comply with the Order to Compel Discovery entered on June 9, 2022, and has otherwise taken no action in prosecution of the present matter since that date. (TR 7-13; see also Commission's file and RX 1)

Given the Claimant's failure to appear for the hearing held on August 16, 2022, her failure to comply with the Order to Compel Discovery entered on June 9, 2022, failure to respond to the Respondents' Motion to Dismiss, and failure to take any action in further prosecution of her claim subsequent to June 9, 2022, the Respondents' Motion to Dismiss was granted from the bench without prejudice pursuant to Commission Rule 099.13, effective August 16, 2022.

Based on the foregoing discussion, the Respondents' Motion to Dismiss is hereby granted without prejudice pursuant to Commission Rule 099.13, effective August 16, 2022. In addition, the Claimant remains subject to the terms of the Order to Compel Discovery entered on June 9, 2022, in the event that she re-files her claim.

The Respondents are ordered and directed to pay the court reporter's fee within thirty days of billing for such if they have not already done so, pursuant to Commission Rule 099.20.

IT IS SO ORDERED.

TERRY DON LUCY
Administrative Law Judge