

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION**

**CLAIM NO. H401463**

**OSWALD W. ROBINSON, EMPLOYEE**

**CLAIMANT**

**CAL ARK INTERNATIONAL INC., EMPLOYER**

**RESPONDENT**

**SAFETY FIRST INSURANC CO. CARRIER/TPA**

**RESPONDENT**

**OPINION FILED JANUARY 8, 2025**

**Hearing before Administrative Law Judge James D. Kennedy in Little Rock, Arkansas on January 7, 2025.**

**Claimant is pro se and failed to appear.**

**Respondents are represented by their attorney, Guy Alton Wade, Little Rock, Arkansas.**

**STATEMENT OF THE CASE**

A hearing was held in the above styled matter on January 7, 2025, in Little Rock, Arkansas on respondent's Motion to Dismiss for failure to prosecute pursuant to Arkansas Code Ann. 11-9-702 and Rule 099.13 of the Arkansas Workers' Compensation Act. The claimant was pro se and failed to appear for the hearing. A First Report of Injury was filed on February 27, 2024, which provided that the claimant was off duty when he fell on ice at a truck stop. The AR – 2 filed February 28, 2024, provided that based upon an investigation, the Respondent was unable to determine that the claimant was injured during the course and scope of his employment. Discovery was propounded by the Respondents on April 10, 2024, but no response was ever filed. A Motion to Dismiss was filed by letter dated November 1, 2024, requesting that the matter be dismissed for failure to prosecute but no response was ever filed. There was a question about the claimant's representation, but Ms. Laura Beth York of Little Rock, who never entered an entry of

appearance, confirmed by an email dated November 4, 2024, that she did not represent the claimant and that she trusted that the appropriate notice would be provided to the claimant in reference the Motion to Dismiss.

The claimant has not requested a hearing to date and more than six months have passed since the first Report of Injury or Illness on February 27, 2024.

Appropriate notice was provided to the claimant notifying him that a hearing on the Motion to Dismiss was set for January 7, 2025, in Little Rock, Arkansas. The claimant did not file a response and failed to appear on the hearing date. At the time of the hearing, Guy Alton Wade 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 A.C.A. 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.

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JAMES D. KENNEDY  
ADMINISTRATIVE LAW JUDGE