

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION  
AWCC CLAIM NO.: G906662**

JIMMY G. SALYARDS, Employee	CLAIMANT
CITY OF POCAHONTAS, Self-Insured Employer	RESPONDENT
MUNICIPAL LEAGUE WORKERS' COMPENSATION PROGRAM, Carrier	RESPONDENT
ARKANSAS MUNICIPAL LEAGUE, TPA	RESPONDENT

**OPINION AND ORDER FILED DECEMBER 22, 2021**

Hearing conducted before Administrative Law Judge Terry Don Lucy, in Craighead County, Arkansas.

Counsel for the Claimant: *pro se*.

Counsel for the Respondents: Honorable Mary K. Edwards, Attorney at Law, North Little Rock, Arkansas.

The above-captioned matter came on for a hearing on December 10, 2021, with respect to the Respondents' Motion to Dismiss filed with the Commission on September 27, 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. (TR 4)

The Commission's file in this matter was deemed incorporated by reference into the record without objection for purposes of this Opinion and Order, along with Respondents' Exhibit No. 1. (TR 4-6) The former reflects that the Commission expended all reasonable measures to advise the Claimant of the Respondents' Motion and the ensuing hearing by way of certified and first-class mail sent to his last known address on September 28, 2021, and October 21, 2021, respectively. The Commission's file further reflects that no action has been taken by the Claimant to further prosecute his claim since the filing of an Amended Form AR-L on June 3, 2021, and a corresponding Amended Lum Sump Approval entered by the Commission also on

June 3, 2021. It is further apparent from the Commission's file that the Claimant has not requested a hearing on the merits of his claim since his Form AR-C filing of December 12, 2019.

(See also TR 6)

Given the Claimant's lack of objection to the Respondents' Motion, corresponding failure to appear at the hearing held on December 10, 2021, and apparent failure to request a hearing on the merits of his claim since December 12, 2019, I specifically find that the Claimant has failed to prosecute his claim in a timely manner and that dismissal thereof without prejudice is warranted pursuant to Ark. Code Ann. §11-9-702 and Commission Rule 099.13, for lack of timely prosecution, and hereby grant the Respondents' Motion.

The above-captioned matter is respectfully dismissed without prejudice effective December 10, 2021, 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.

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TERRY DON LUCY  
Administrative Law Judge