

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION
CLAIM NO. G807146**

CARL SMITH, EMPLOYEE

CLAIMANT

CITY OF LITTLE ROCK, EMPLOYER

RESPONDENT

**RISK MANAGEMENT SERVICES,
INSURANCE CARRIER/TPA**

RESPONDENT

OPINION FILED DECEMBER 8, 2021

Hearing before Administrative Law Judge James D. Kennedy in Little Rock, Pulaski County, Arkansas, on November 9th, 2021.

Claimant is *pro se* and did not appear.

Respondents are represented by Melissa Wood, Attorney at Law, Little Rock, Arkansas.

STATEMENT OF THE CASE

A hearing was held in the above-styled matter on November 9, 2021, in Little Rock, Arkansas, on the respondents' Motion to Dismiss for failure to prosecute pursuant to Ark. Code Ann. § 11-9-702 and Rule 099.13 of the Arkansas Workers' Compensation Act. The Form AR-C, filed on October 22, 2018, contends that the claimant was fighting a fire and the ceiling collapsed on him. The respondents accepted the cervical strain and provided medical treatment. An MMI was provided and Doctor Paulus indicated that the claimant had reached MMI on April 21, 2020. The last medical treatment with Doctor Paulus was on February 23, 2021. A Motion to Dismiss for failure to prosecute was filed on September 9, 2021, and the claimant failed to respond to the motion

A hearing was set for November 9, 2021, in regard to the Motion to Dismiss. The claimant failed to appear at the hearing. At the time of the hearing, Melissa Wood

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 had an opportunity to hear the statements of the respondents' attorney, there is no alternative but to find that the Motion to Dismiss should be granted at this time, and the matter should be dismissed without prejudice.

ORDER

Pursuant to the above, there is no alternative but to find that the Motion to Dismiss should be granted and this matter should be dismissed without prejudice at this time.

IT IS SO ORDERED.

JAMES D. KENNEDY
ADMINISTRATIVE LAW JUDGE