

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION**

**CLAIM NO. H205510**

<b>DALE H. TAYLOR, EMPLOYEE</b>	<b>CLAIMANT</b>
<b>BAD BOY MOWERS, LLC, EMPLOYER</b>	<b>RESPONDENT</b>
<b>CHUBB INDEMNITY INS. CO. CARRIER/TPA</b>	<b>RESPONDENT</b>

**OPINION FILED OCTOBER 10, 2023**

**Hearing before Administrative Law Judge James D. Kennedy in Little Rock, Pulaski County Arkansas, on October 10, 2023.**

**Claimant is *pro se* and did not appear.**

**Respondents are represented by Mr. Rick Behring, Jr., Attorney-at-Law of Little Rock, Arkansas.**

**STATEMENT OF THE CASE**

A hearing was held in the above-styled matter on October 10, 2023, 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 originally represented by Laura Beth York, who was allowed to withdraw by an Order of the Full Commission dated June 28, 2023. The respondents filed a Motion to Dismiss on August 1, 2023.

A hearing was set for October 10, 2023, in regard to the Motion to Dismiss. The claimant failed to appear at the time of the hearing after proper notice. At the time of the hearing, Rick Behring appeared on behalf of the respondents and asked that the matter be dismissed for lack of prosecution.

The claimant had originally filed a Form C on November 15, 2022, contending that he had injured his lumbar spine and "other whole body." The respondents filed an AR-2

on August 3, 2022, and the claim was disputed in its entirety. The respondents had propounded discovery to the claimant who had elected not to participate in discovery failed to execute discovery authorization.

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 pursuant to Ark. Code Ann. §11-9-702 and Rule 099.13 of the Arkansas Workers' Compensation Act at this time.

IT IS SO ORDERED:

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JAMES D. KENNEDY  
ADMINISTRATIVE LAW JUDGE