

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. H008378 & H009740

GAYESANDRA THOMPSON (Dec'd), EMPLOYEE	CLAIMANT
FIRST SECURITY BANCORP, EMPLOYER	RESPONDENT
TRAVELERS INDEMNITY COMPANY OF AMERICA, CARRIER/TPA	RESPONDENT

OPINION FILED AUGUST 29, 2023

Hearing before Administrative Law Judge James D. Kennedy in Little Rock, Pulaski County, Arkansas, on August 29, 2023.

Claimant is deceased and *Pro Se*.

Respondents are represented by Mr. Guy Alton Wade, Attorney-at-Law, of Little Rock, Arkansas.

STATEMENT OF THE CASE

A hearing was held in the above-styled matter on August 29, 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, and further that it had been determined that the claimant was deceased. The claimant lost her life in a matter not related to her claimed workers' compensation injury. The claimant had originally filed two (2) separate claims and contended she sustained a work-related injury to her neck, left shoulder and whole body on August 4, 2020, filing a Form C on or about November 30, 2020, and also claimed a work-related bilateral carpal tunnel. The claimant was originally represented by the Rainwater Firm which was allowed to withdraw by an Order of the Full Commission dated June 20, 2023. The respondents filed a Motion to Dismiss by letter dated June 22, 2023,

contending that the matter should be dismissed for lack of prosecution, and no response was filed.

A hearing was set for August 29, 2023, in regard to the Motion to Dismiss. No one appeared on behalf of the claimant after proper notice. At the time of the hearing, Guy 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 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:

JAMES D. KENNEDY
ADMINISTRATIVE LAW JUDGE