

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. H204237

WILLIE TILLMAN (Dec'd), EMPLOYEE

CLAIMANT

WINDSOR DOOR, LLC, EMPLOYER

RESPONDENT

**TRAVELERS INSURANCE COMPANY/
CARRIER/TPA**

RESPONDENT

OPINION FILED APRIL 25, 2023

Hearing before Administrative Law Judge James D. Kennedy in Little Rock, Pulaski County, Arkansas, on April 25, 2023.

Claimant is *Pro Se* and is deceased.

Respondents are represented by Amy C. Markham, Attorney-at-Law, of Little Rock, Arkansas.

STATEMENT OF THE CASE

A hearing was held in the above-styled matter on April 25, 2023, in Little Rock, Arkansas, on respondent's 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 passed away on December 27, 2022, and claimant's attorney filed a motion to withdraw on January 16, 2023, with the Motion being granted by the Full Commission on January 20, 2023. The claimant's death was not related to the claimed workers' compensation injury. An AR-C form had been filed on or about September 15, 2022, alleging that the claimant had sustained a work-related injury on April 6, 2022. More than six (6) months have passed since the claimant's last actions in this matter. A request for the matter to be dismissed was made by the respondents on January 9, 2023.

A hearing was set for April 25, 2023, after proper notice to the parties, in regard to the Motion to Dismiss. At the time of the hearing, Amy Markham 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 statement of the respondent's 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 with 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 with prejudice at this time.

IT IS SO ORDERED:

JAMES D. KENNEDY
ADMINISTRATIVE LAW JUDGE