

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION**

**CLAIM NO. H303802**

**ANDREW R. WALDRUP, EMPLOYEE**

**CLAIMANT**

**BATSON MACHINE & FABRICATION, EMPLOYER**

**RESPONDENT**

**STONETRUST, TPA/CARRIER**

**RESPONDENT**

**OPINION FILED MAY 14, 2024**

**Hearing before Administrative Law Judge James D. Kennedy in Little Rock, Arkansas on May 7, 2024.**

**Claimant is pro se and failed to appear.**

**Respondents are represented by their attorney, Jason M. Ryburn, Little Rock, Arkansas.**

**STATEMENT OF THE CASE**

A hearing was held in the above styled matter on May 7, 2024, in Little Rock, Arkansas on respondent's Motion to Dismiss for failure to prosecute pursuant to A.C.A. 11-9-702 and Rule 099.13 of the Arkansas Workers' Compensation Act. The claimant was pro se and failed to appear for the hearing. The claimant had filed a Form AR – C

on or about June 14, 2023, contending that he had crushed two fingers in a machine. A First Report of Injury was filed on June 23, 2023, that provided there was a contusion involving the fingers of the left hand. An AR – 2 was filed on or about June 28, 2023, that appeared to provide that it was a medical only claim.

A Motion to Dismiss was filed on or about December 8, 2023, requesting that the matter be dismissed for failure to prosecute pursuant to A.C.A. 11-9-702(a) (4) and Rule 099.13. The claimant has not requested a hearing to date and more than six months have passed since the filing of the original claim nor is there any record of him contacting the Commission.

Appropriate notice was provided to the claimant notifying him that a hearing on the Motion to Dismiss was set for May 7, 2024, in Little Rock, Arkansas. The claimant did not file a response and failed to appear on the hearing date. At the time of the hearing, Jason M. Ryburn, 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 an opportunity to hear the statements of the attorney for the Respondent, it is found that this matter should be dismissed without prejudice, for failure to prosecute pursuant to A.C.A. 11-9-702 and Rule 099.13 of the Arkansas Workers' Compensation Act.

### **ORDER**

Pursuant to the above statement of the case, there is no alternative but to dismiss this claim in its entirety, without prejudice, for failure to prosecute.

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JAMES D. KENNEDY  
ADMINISTRATIVE LAW JUDGE