

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION  
CLAIM NO.: G904372**

BILBREY J. WALLIS, Employee	CLAIMANT
SLOAN HENDRIX SCHOOL DISTRICT, Self-Insured Employer	RESPONDENT
ARKANSAS SCHOOL BOARDS' ASSOCIATION WORKERS' COMPENSATION TRUST, Carrier/TPA	RESPONDENT

**OPINION AND ORDER FILED JUNE 28, 2022**

Hearing conducted before ADMINISTRATIVE LAW JUDGE TERRY DON LUCY, in Craighead County, Arkansas.

Counsel for the Claimant: *pro se*.

Counsel for the Respondent: HONORABLE MELISSA M. WOOD, Attorney at Law, Little Rock, Arkansas.

The above-captioned matter came on for a hearing on June 24, 2022, for consideration of the Respondents' Motion to Dismiss, originally filed with the Commission on February 18, 2022.

Counsel for the Respondents appeared for the hearing at the duly appointed time. When the hall was sounded by Counsel for the Respondents at such time, the Claimant was not present nor did he appear during the ensuing proceedings. During such proceedings, the Commission's file in this matter was incorporated by reference into the record without objection. Respondents' Exhibit No. 1 was likewise admitted into the record without objection.

The *pro se* Claimant was advised of the Respondents' original Motion by the Commission via first-class and certified mail dated February 22, 2022, with a responsive pleading to such required on or before March 14, 2022. According to the Commission's file, by way of correspondence filed on March 8, 2022, the Claimant objected to the pending Motion, requested a hearing, yet described his AR-C filing as "unjustifiable." Specifically, "since my injury, I have been attended regularly every six months, by my physician, Dr. Roy Cooper, of

NEA Hospital in Jonesboro, AR. My claims, have been paid by workers' compensation.” The Commission's file further reflects that the Claimant filed a Form AR-C on his own behalf on July 8, 2019.

Given the Claimant's objection to the Respondents' Motion and hearing request, pre-hearing documents were sent to the parties by the Commission on March 14, 2022, which required the Claimant to submit a pre-hearing filing no later than April 4, 2022. Given the Claimant's failure to do so, the Respondents' Motion to Dismiss was deemed renewed as of April 11, 2022, by the undersigned Administrative Law Judge. A hearing upon such was scheduled by way of correspondence sent by the Commission via certified and first-class mail to the parties on May 3, 2022. According to the Commission's file, which includes records provided by the United States' Postal Service, the Claimant received such notice on May 7, 2022.

Given the Claimant's failure to submit a timely pre-hearing filing on or before April 4, 2022, in relation to his hearing request of March 8, 2022, his corresponding failure to appear at the hearing held on June 24, 2022, despite obvious knowledge of such, I specifically find that the Claimant has failed to prosecute his claim in a timely manner and that dismissal thereof without prejudice is warranted pursuant to Commission Rule 099.13, for lack of prosecution, and hereby grant the Respondents' Motion.

The above-captioned matter is respectfully dismissed without prejudice effective June 24, 2022, and the Respondents are ordered and directed to pay the court reporter's fee within thirty days of billing for such pursuant to Commission Rule 099.20.

IT IS SO ORDERED.

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Hon. Terry Don Lucy  
ADMINISTRATIVE LAW JUDGE