

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION  
CLAIM NO.: H006460**

A.D. WILLIAMS, Employee	CLAIMANT
CITY OF WEST MEMPHIS, Self-Insured Employer	RESPONDENT
ARKANSAS MUNICIPAL LEAGUE WORKERS' COMPENSATION PROGRAM, Carrier/TPA	RESPONDENT

**OPINION AND ORDER FILED AUGUST 16, 2022**

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

Counsel for the Claimant: *pro se*.

Counsel for the Respondents: HONORABLE MARY K. EDWARDS, Attorney at Law, Little Rock, Arkansas.

The above-captioned matter came on for a hearing on August 5, 2022, before the undersigned Administrative Law Judge with respect to the Respondents' Motion to Dismiss originally filed on May 23, 2022. When the hall was sounded at the appointed time for the hearing, the Claimant was not present for such, nor did he appear during the ensuing proceedings. (TR 3-4; 6) The Respondents appeared through their counsel, the Honorable Mary K. Edwards. During the proceedings, the Commission's file in this matter was deemed incorporated by reference into the record without objection for purposes of this Opinion and Order, as was Respondents' Exhibit No. 1. (TR 4-5)

The Commission's file, and Respondents' Exhibit No. 1, reflect that notice of the Respondents' Motion was sent to the Claimant via certified and first-class mail from the Commission dated May 25, 2022, to his last known address, which allowed him until June 14, 2022, to respond to such. (See Commission file and RX 1 at 6) Respondents' Exhibit No. 1 further reflects that the Claimant received such notice on June 1, 2022. (RX 1 at 7-8; TR 6)

There is no indication in either the Commission's file or Respondents' Exhibit No. 1 that the Claimant filed any response to the Respondents' Motion within the required time frame.

Notice of the subsequently scheduled hearing was likewise provided to the Claimant via certified and first-class mail from the Commission dated June 27, 2022, and the Commission's file reflects that the Claimant, or someone on his behalf, signed for receipt of such no later than July 15, 2022. (See Commission file and TR 5)

The Commission's file, and Respondents' Exhibit No. 1, also reflect that the *pro se* Claimant filed a Form AR-C in this matter with sole respect to initial medical benefits on or about September 3, 2020, and that no activity in prosecution of such has occurred since then. (See Commission file, RX 1 at 1, and TR 7).

Given the Claimant's lack of response or objection to the Respondents' Motion to Dismiss filed on May 23, 2022, corresponding failure to appear at the hearing held on August 5, 2022, and failure to take any action in prosecution of his claim filed on or about September 3, 2020, 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 Ark. Code Ann. §11-9-702 and Commission Rule 099.13, and hereby grant the Respondents' Motion.

The above-captioned matter is respectfully dismissed without prejudice effective August 5, 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, if they have not already done so.

IT IS SO ORDERED.

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TERRY DON LUCY  
Administrative Law Judge