

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION
CLAIM NO. G802035**

IDELLA WILLIAMS, EMPLOYEE

CLAIMANT

ROCK REGION METRO., EMPLOYER

RESPONDENT

**ATA WC TRUST MANAGEMENT RESOURCES,
CARRIER/TPA**

RESPONDENT

OPINION FILED JULY 27, 2021

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

Claimant is *pro se* and failed to appear.

Respondents are represented by their attorney, Karen H. McKinney, Attorney at Law, Little Rock, Arkansas.

STATEMENT OF THE CASE

A hearing was held in the above-styled matter on July 20, 2021, in Little Rock, Arkansas, on Respondents' Second Motion to Dismiss for failure to prosecute pursuant to Ark. Code Ann. § 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 been previously represented by Steven R. McNeely, who had been allowed to withdraw by an Order of the Full Commission dated April 30, 2021. The claimant was employed by Rock Region Metro and alleged a work-related injury on September 16, 2016, and filed a Form AR-C on or about March 27, 2018. A First Report of Injury was filed on March 29, 2018, which provided that the claimant had suffered an injury to her right shoulder. The First Motion to Dismiss was denied, and a second Motion to Dismiss was filed on May 4, 2021.

An appropriate notice setting this matter for a hearing on the Motion to Dismiss was provided to the claimant by both certified and regular mail. A hearing was set for July 20, 2021, in regard to the Motion to Dismiss. The claimant failed to appear on the hearing date in Little Rock, Arkansas. At the time of the hearing, Karen H. McKinney 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 attorney for the respondents, I find that this matter should be dismissed for failure to prosecute pursuant to Ark. Code Ann. § 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.

IT IS SO ORDERED.

**JAMES D. KENNEDY
ADMINISTRATIVE LAW JUDGE**