

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION  
CLAIM NO. H100983**

**MASEAN WILLIAMS, EMPLOYEE**

**CLAIMANT**

**FOURJAY, LLC d/b/a  
WENDYS OLD FASHIONED HAMBURGER, EMPLOYER**

**RESPONDENT**

**THE STANDARD FIRE INS. CO. / TRAVELERS INS. CO.  
INSURANCE CARRIER/TPA**

**RESPONDENT**

**OPINION FILED NOVEMBER 9, 2021**

**Hearing before Administrative Law Judge James D. Kennedy in Little Rock, Pulaski County, Arkansas, on November 2, 2021.**

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

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

**STATEMENT OF THE CASE**

A hearing was held in the above-styled matter on November 2, 2021, in Little Rock, Arkansas, on the respondents' 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 employed by Fourjay, LLC, operating as Wendy's, and filed a Form C on January 26, 2021, claiming that she sustained injuries to her back and whole body from a work-related fall on December 31, 2020. The claim was denied at the outset. Initially, the claimant was represented by Laura Beth York, who was allowed to withdraw by an Order from the Full Commission filed on April 7, 2021. No actions, communications, or hearing requests have occurred since the above-dated Order. The respondents filed a Motion to Dismiss on or about August 26, 2021, requesting that the claim be dismissed due to failure to take any action.

An appropriate notice setting this matter for a hearing for the Motion to Dismiss was provided to the claimant at the last known address, with a hearing set for November 2, 2021, in Little Rock Arkansas at 11:30 a.m., in regard to the Motion to Dismiss. The claimant did not appear on the date of the hearing even after an additional wait well in excess of thirty (30) minutes. At the time of the hearing, Amy C. 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 statements of the attorney, there is no alternative but to 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.**

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**JAMES D. KENNEDY  
ADMINISTRATIVE LAW JUDGE**