

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

AWCC FILE No H300633

SAMMY A. WILLIAMS, EMPLOYEE

CLAIMANT

CITY OF LITTLE ROCK, SELF-INSURED EMPLOYER

RESPONDENT

RISK MANAGEMENT RESOURCES, TPA

RESPONDENT

OPINION FILED 18 MARCH 2025

Heard before Arkansas Workers' Compensation Commission (AWCC) Administrative Law Judge JayO. Howe on 12 March 2025 in Little Rock, Arkansas.

The *pro se* claimant did not appear.

Worley, Wood & Parrish, PA, Ms. Melissa Wood, appeared for the respondents.

STATEMENT OF THE CASE

A hearing on the respondents' Motion to Dismiss was held on this matter in Little Rock, Arkansas, on 12 March 2025. This case relates to an accepted medical-only claim for an injury sustained on or about 7 December 2022.

A First Report of Injury was filed on 12 December 2022, indicating a shoulder injury. The claimant filed a Form AR-C on 7 February 2023. A Form AR-2 indicating that the medical-only claim had been accepted was also filed by the respondents that day. On 30 March 2023, a Change of Physician was authorized. Then, on 9 October 2023, the respondents filed an amended Form AR-2, noting additional benefits were being provided to the claimant.

The record reflects no further action took place on this file until 9 January 2025, when the respondents filed the immediate motion seeking a dismissal of the claim for want of prosecution, citing Ark. Code Ann. §§ 11-9-702(a)(4), (d) and AWCC Rule 099.13. Therein,

they argued that more than six months had passed without a bona fide request for a hearing on an issue ripe for litigation. They also stated that all appropriate benefits have been paid.

Notice of the respondents' motion was sent to the claimant, consistent with AWCC practices, via First Class Mail and Certified Mail, on 14 January 2025. After no response or objection was received by my office, a notice of a hearing on that motion was sent in the same fashion on 11 February 2025. When mailings are returned to the AWCC as not accepted or undeliverable, those mailings are appended to the claim's file. This file contains no returned mailings.

The respondents appeared on 12 March 2025, presented their motion, and offered supporting evidence into the record. As argued by the respondents at the hearing, the file reflects no bona fide request for a hearing on an issue ripe for litigation in this claim in the relevant time preceding the filing of their motion. The claimant did not appear to resist the dismissal of his claim. The respondents offered a number of the documents noted above into the record which, collectively, were admitted as Respondents' Exhibit No 1. That exhibit consists of one index page and ten subsequent pages of forms, pleadings, and correspondence.

Ark. Code Ann. § 11-9-702(d) states that claim for additional benefits may be dismissed without prejudice after six months without a bona fide request for a hearing. Our Rule 99.13 provides for a dismissal for failure to prosecute an action upon application by either party. Based on the record, the available evidence, and the arguments of the respondents' counsel; I find (1) that the parties were provided with reasonable notice of the respondents' Motion to Dismiss and the hearing, (2) that the respondents' Motion to Dismiss should be granted pursuant to the provisions above, and (3) that this matter should be dismissed without prejudice.

ORDER

The Motion to Dismiss is GRANTED, and this matter is DISMISSED WITHOUT PREJUDICE.

SO ORDERED.

JAYO. HOWE
ADMINISTRATIVE LAW JUDGE