

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. H106432

TASHALA WRIGHT, EMPLOYEE

CLAIMANT

TYSON FOODS, INC. EMPLOYER

RESPONDENT

TYSON FOODS/TYNET CORP., CARRIER/TPA

RESPONDENTS

OPINION FILED 26 APRIL 2023

Hearing before Administrative Law Judge JayO. Howe in Little Rock, Pulaski County, Arkansas, on 26 April 2023.

Tashala Wright, *pro se*, failed to appear.

Ms. Lauren Scroggins, Attorney-at-Law, of Little Rock, Arkansas, appeared on behalf of the respondents.

STATEMENT OF THE CASE

A hearing was held in the above-styled matter on 26 April 2023, in Little Rock, Arkansas, on respondent's Motion to Dismiss for failure to prosecute pursuant to Arkansas Code Annotated § 11-9-702 and/or Rule 099.13 of the Arkansas Workers' Compensation Act. The claim involves an alleged workplace injury occurring on or about May 12, 2021. An employer/employee relationship existed at the time. A First Report of Injury was filed on 20 August 2021.

The respondents filed their first Motion to Dismiss for Want of prosecution on 4 October 2022. That motion was set for a hearing in Pine Bluff, Arkansas, on 8 December 2022. The claimant appeared to resist the motion, and the respondents withdrew that motion based on the understanding that she would cooperate with the respondents' efforts to manage her claim. The transcript from that hearing reflects that Chief ALJ Fine stressed to the claimant the importance of cooperating with the respondents' efforts to navigate her claim. She was given notice of the availability of the Commission's Legal Advisors Division and it

was made clear that she had the right to seek counsel to assist in the prosecution of her claim. The claimant expressed understanding of all of the above.

Since that time, the claimant has refused to cooperate with the respondents' counsel, declined to participate in discovery, and has now failed to appear before the Commission. Additionally, she failed to comply with an Order compelling discovery issued by the Commission on 2 February 2023. The motion at bar, again for want of prosecution, was filed on 21 February 2023 and sent to the claimant at the address provided by her. No response was tendered to the respondents' counsel or the Commission.

Based on the record, testimony, and evidence, I am compelled to find that the Motion to Dismiss should be granted due to the claimant's lack of prosecution and the matter should be dismissed without prejudice.

ORDER

Pursuant to the above, there is no alternative but to find that the Motion to Dismiss should be granted and this matter should be dismissed without prejudice at this time.

SO ORDERED.

JAYO. HOWE
ADMINISTRATIVE LAW JUDGE