

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION  
AWCC CLAIM NO.: H000591**

CURTIS YOUNG, Employee	CLAIMANT
CENTRAL CHEVROLET CO., INC., Employer	RESPONDENT
TECHNOLOGY INSURANCE COMPANY, Carrier	RESPONDENT
AMTRUST NORTH AMERICA, TPA	RESPONDENT

**OPINION AND ORDER FILED DECEMBER 22, 2021**

Hearing conducted before Administrative Law Judge Terry Don Lucy, in Craighead County, Arkansas.

Counsel for the Claimant: *pro se*.

Counsel for the Respondents: Honorable William C. Frye, Attorney at Law, North Little Rock, Arkansas.

The above-captioned matter came on for a hearing on December 10, 2021, with respect to the Respondents' Motion to Dismiss filed with the Commission on October 25, 2021. 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.

The Commission's file in this matter was deemed incorporated by reference into the record without objection for purposes of this Opinion and Order. Such file reflects that the Commission expended all reasonable measures to advise the Claimant of the Respondents' Motion and the ensuing hearing by way of certified and first-class mail sent to his last known address on October 29, 2021, and November 24, 2021, respectively. The Commission's file further reflects that no action has been taken by the Claimant to further prosecute his claim since it was last returned to the Commission's General Files on February 15, 2021, a period well in excess of six (6) months from the date of the Respondents' Motion.

Given the Claimant's lack of objection to the Respondents' Motion, corresponding failure to appear at the hearing held on December 10, 2021, and apparent failure to request a hearing on the merits of his claim since February 15, 2021, 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, for lack of timely prosecution, and hereby grant the Respondents' Motion.

The above-captioned matter is respectfully dismissed without prejudice effective December 10, 2021, and the Respondents are ordered and directed to pay the court reporter's fee within thirty days of billing for such.

IT IS SO ORDERED.

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TERRY DON LUCY  
Administrative Law Judge