

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION**

**CLAIM NO. H203138**

<b>JOYCE BAILEY-WILLIAMS, EMPLOYEE</b>	<b>CLAIMANT</b>
<b>TYSON POULTRY, INC. EMPLOYER</b>	<b>RESPONDENT</b>
<b>TYSON POULTRY/TYNET CORP., CARRIER/TPA</b>	<b>RESPONDENTS</b>

**OPINION FILED 9 AUGUST 2023**

**Hearing before Administrative Law Judge JayO. Howe in Little Rock, Pulaski County, Arkansas, on 9 August 2023.**

**Mr. Kenneth A. Olsen, Attorney-at-Law, of Bryant represents the claimant, who waived appearance.**

**Mr. J. Matthew Mauldin, Attorney-at-Law, of Little Rock, appeared on behalf of the respondents.**

**STATEMENT OF THE CASE**

A hearing was held in the above-styled matter on 9 August 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 December 14, 2021. An employer/employee relationship existed at the time. A First Report of Injury was filed on 25 April 2022. A Form AR-C was filed on 15 September 2022.

The respondents filed their first Motion to Dismiss for want of prosecution on 10 July 2023. Upon receipt of the Motion, the claimant's counsel advised that she did not object to the dismissal, as no issues were ripe for adjudication. The claimant also waived her appearance at the hearing.

Based on the record, the arguments from the respondents' counsel, and the evidence accepted on the record at the hearing, I am compelled to find that the Motion to Dismiss

should be granted due to the claimant's lack of prosecution and that the matter should be dismissed without prejudice.

**ORDER**

Pursuant to the above, the Motion to Dismiss is granted and this matter is dismissed without prejudice.

SO ORDERED.

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JAYO. HOWE  
ADMINISTRATIVE LAW JUDGE