

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION
CLAIM NO.: H103121**

CORRY BAKER, Employee	CLAIMANT
ROCK REGION METRO, Self-Insured Employer	RESPONDENT
ATA WORKERS' COMPENSATION SELF-INSURED TRUST, Carrier	RESPONDENT
RISK MANAGEMENT RESOURCES, TPA	RESPONDENT

OPINION AND ORDER FILED JUNE 6, 2022

Hearing conducted before ADMINISTRATIVE LAW JUDGE TERRY DON LUCY, in Pulaski County, Arkansas.

Counsel for the Claimant: *pro se*.

Counsel for the Respondents: HONORABLE MELISSA M. WOOD AND HONORABLE JARROD S. PARRISH, Attorney at Law, Little Rock, Arkansas.

The above-captioned matter came on for a hearing on May 31, 2022, before the undersigned Administrative Law Judge with respect to the Respondents' Motion to Dismiss filed on March 25, 2022. 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 Respondents appeared through one of their counsel, the Honorable Jarrod S. Parrish. During the 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, as was Respondents' Exhibit No. 1.

The Commission's file reflects that notice of the Respondents' Motion was sent to the Claimant via certified and first-class mail from the Commission dated March 30, 2022, to his last known address, which allowed him until April 19, 2022, to respond to such. The Claimant did not file a response and there is no indication from the Commission's file that either mailing was

returned to sender as undeliverable. Notice of the subsequently scheduled hearing was likewise provided to the Claimant via certified and first-class mail from the Commission dated April 22, 2022, and the Commission's file reflects that the Claimant signed for receipt of such on April 29, 2022.

The Commission's file further reflects that the *pro se* Claimant filed a Form AR-C in this matter with sole respect to initial benefits on April 1, 2021, and that the Respondents have controverted this claim in its entirety by virtue of a Form AR-2 filing on April 2, 2021. (See also RX 1 at 2-3) According to the Commission's file, the Claimant requested a Change-of-Physician on April 19, 2021, but such was not considered by the Commission's Medical Cost Containment Division given that the claim had been controverted in its entirety, as reflected by correspondence from the latter dated April 20, 2021.

Thereafter, and also according to the Commission's file, the Respondents requested dismissal of this matter on October 11, 2021. The Claimant responded to such by way of written correspondence to the Commission dated October 20, 2021, and essentially objected to such and further proceedings on the merits of his claim were subsequently scheduled by the undersigned Administrative Law Judge's office. (See also RX 1 at 4) A pre-hearing conference in this matter was conducted on January 26, 2022, in which the parties agreed to have the matter returned to the Commission's general files. (See also RX 1 at 5) Neither the Commission's file nor Respondents' Exhibit No. 1 reflects an additional hearing request by the Claimant since January 26, 2022.

Given the Claimant's lack of response or objection to the Respondents' Motion to Dismiss filed on March 25, 2022, and corresponding failure to appear at the hearing held on May 31, 2022, despite obvious receipt of notice of such, I specifically find that the Claimant has failed

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to prosecute his claim in a timely manner and that dismissal thereof without prejudice is warranted pursuant to Commission Rule 099.13, and hereby grant the Respondents' Motion.

The above-captioned matter is respectfully dismissed without prejudice effective May 31, 2022, 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.

TERRY DON LUCY
Administrative Law Judge