

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. G808018

BILL BAZE, EMPLOYEE

CLAIMANT

CITY OF BIG FLAT, EMPLOYER

RESPONDENT

**ARKANSAS MUNICIPLE LEAGUE WORKERS'
COMPENSATION PROGRAM, CARRIER**

RESPONDENT

OPINION FILED SEPTEMBER 27, 2022

Hearing before Administrative Law Judge James D. Kennedy in Mountain Home, Baxter County, Arkansas, on September 21, 2022.

Claimant is represented by Mr. Frederick S. "Rick" Spencer, Attorney-at-Law, of Mountain Home, Arkansas, who appeared on his behalf. The claimant failed to appear in person.

Respondents are represented by Ms. Mary K. Edwards, Attorney-at-Law, of North Little Rock, Arkansas.

STATEMENT OF THE CASE

A hearing was held in the above-styled matter on September 21, 2022, in Mountain Home, Arkansas, on Respondent's Motion to Dismiss for failure to prosecute pursuant to Arkansas Code Annotated §11-9-702 and Rule 099.13 of the Arkansas Workers' Compensation Act. The record provided that the Claimant sustained an injury to his left hip and low back while working as a volunteer firefighter on or about November 23, 2018, and Respondents accepted the injuries as compensable and paid related, reasonable and necessary medical and indemnity benefits. On December 2, 2019, Claimant filed a Form AR-C by and through his attorney at the time, Mr. Mark Alan Peoples. On December 3, 2019, Claimant's attorney filed a change of physician, which was withdrawn on January 6, 2020. On January 31, 2020, Frederick S. "Rick" Spencer notified the Commission that he now represented the Claimant, but was not requesting a hearing at the time, and filed a second Form AR-C. The Claimant's original attorney requested to withdraw as counsel of record on

February 7, 2020, and his Motion was granted on May 20, 2020. There has been no activity since that date and the Respondent filed a Motion to Dismiss on July 27, 2022. The Claimant, through his attorney, notified the Commission that he had no desire to pursue the claim and that it should be dismissed without prejudice.

After proper notice, the hearing on the Motion to Dismiss was set for September 21, 2022, in Mountain Home, Arkansas. Mary K. Edwards appeared on behalf of the Respondents, and Frederick S. “Rick” Spencer appeared on behalf of the Claimant, who did not appear. The Claimant had not sought any action in regard to his claim for the last six (6) months, and further, had notified the Commission, through his attorney, that he did not wish to pursue his claim.

After a review of the record as a whole, to include all evidence properly before the Commission, and having had an opportunity to hear the statements of the Respondent’s and Claimant’s attorneys, and after finding that there was proper notice, there is no alternative but to find that the Motion to Dismiss should be granted at this time. The claim should be dismissed without prejudice pursuant to Ark. Code Ann. §11-9-702 and Rule 099.13 of the Arkansas Workers’ Compensation Act.

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.

IT IS SO ORDERED:

JAMES D. KENNEDY
ADMINISTRATIVE LAW JUDGE