

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. H203296

DUSTIN BULLOCK, EMPLOYEE	CLAIMANT
NDX GREEN LABORATORIES, EMPLOYER	RESPONDENT
TRAVELERS, CARRIER	RESPONDENT

OPINION FILED DECEMBER 12, 2023

Hearing before Administrative Law Judge James D. Kennedy in Little Rock, Pulaski County, Arkansas on December 5, 2023.

Claimant is *pro se* and failed to appear.

Respondents are represented by their attorney, Mr. Guy Alton Wade, Attorney-at-Law of Little Rock, Arkansas.

STATEMENT OF THE CASE

A hearing was held in the above-styled matter on December 5, 2023, in Little Rock, Arkansas on respondents' 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 claimant was *pro se* and failed to appear for the hearing. The claimant had filed a letter on May 6, 2022, requesting a hearing. The First Report of Injury provided that the claimant contended he suffered a strain while cleaning a bench. The respondent's filed a Form AR-2 on May 5, 2022, contending that there was no injury per statutory definition. An attempt to set up a Legal Advisor Conference had failed. The claimant failed to respond to the Prehearing Questionnaire and failed to respond to the discovery propounded by the respondents. A Motion to Dismiss was filed on August 8, 2023, requesting that the matter be dismissed due to the lack of prosecution of the claim.

Appropriate notice was provided to the claimant notifying him that a hearing on the Motion to Dismiss was set for December 5, 2023, in Little Rock, Arkansas. The claimant did not file a response and failed to appear on the hearing date. At the time of the hearing, Guy Alton Wade appeared on behalf of the respondents and asked that the matter be dismissed for lack of prosecution.

After a review of the record as a whole, to include all evidence properly before the Commission, and having an opportunity to hear the statements of the attorney for the respondents, I find that this matter should be dismissed without prejudice, for failure to prosecute pursuant to Ark. Code Ann. §11-9-702 and Rule 099.13 of the Arkansas Workers' Compensation Act.

ORDER

Pursuant to the above statement of the case, there is no alternative but to dismiss this claim in its entirety, without prejudice, for failure to prosecute.

IT IS SO ORDERED.

JAMES D. KENNEDY
ADMINISTRATIVE LAW JUDGE