

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. H208528

LANCE CARPENTER, EMPLOYEE

CLAIMANT

CROWNOVER CO., EMPLOYER

RESPONDENT

**OWNERS INSURANCE COMPANY/
CARRIER/TPA**

RESPONDENT

OPINION FILED JUNE 27, 2023

Hearing before Administrative Law Judge James D. Kennedy in Mountain Home, Baxter County, Arkansas, on June 21, 2023.

Claimant is *Pro Se* and did not appear.

Respondents are represented by Mr. Rick Behring, Jr., Attorney-at-Law, Little Rock, Arkansas.

STATEMENT OF THE CASE

A hearing was held in the above-styled matter on June 21, 2023, in Mountain, Arkansas, on respondent's Motion to Dismiss for failure to prosecute pursuant to Ark. Code Ann. § 11-9-702 and Rule 099.13 of the Arkansas Workers' Compensation Act. The claimant contended that he sustained injury to his right shoulder on or about November 15, 2022. On or about December 22, 2022, the claimant filed a Form AR-C with the Commission requesting benefits. In order to prepare for their defense, the respondents retained counsel and propounded Interrogatories and Requests for Production of Documents to the claimant on March 8, 2023, and additionally requested authorizations. The claimant has now indicated that he no longer wishes to prosecute the claim and notified the respondents by letter that was made part of the record. Nearly six (6) months have passed since the claimant filed an AR-C, and the claimant has not sought any type

of hearing. A Motion to Dismiss for failure to prosecute was filed on March 28, 2023, and the claimant failed to respond to the motion.

A hearing was set for June 21, 2023, in regard to the Motion to Dismiss. The claimant failed to appear at the hearing after proper notice. At the time of the hearing, Rick Behring 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 had an opportunity to hear the statements of the respondent's attorney, there is no alternative but to find that the Motion to Dismiss should be granted at this time, and the matter should be dismissed without prejudice.

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 pursuant to Rule 099.13 of the Arkansas Workers' Compensation Act at this time.

IT IS SO ORDERED:

JAMES D. KENNEDY
ADMINISTRATIVE LAW JUDGE