

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION**

**CLAIM NO. H008267**

**CRAIG CHISM, EMPLOYEE**

**CLAIMANT**

**PATHFINDER INC., EMPLOYER**

**RESPONDENT**

**ATA WC TRUST/ RISK MANAGEMENT RESOURCES  
CARRIER/TPA**

**RESPONDENT**

**OPINION FILED JUNE 27, 2023**

**Hearing before Administrative Law Judge James D. Kennedy in Little Rock, Arkansas, on June 27, 2023.**

**Claimant is *Pro Se* and did not appear.**

**Respondents are represented by Ms. Carol Lockard Worley, Attorney-at-Law, Little Rock, Arkansas.**

**STATEMENT OF THE CASE**

A hearing was held in the above-styled matter on June 27, 2023, in Little Rock, Arkansas, on respondent's Motion to Dismiss for failure to prosecute pursuant to Arkansas Code Ann. 11-9-702 and Rule 099.13 of the Arkansas Workers' Compensation Act. The claimant had contended he sustained an injury to his right ankle, leg and hip on or about October 10, 2022. The claimant was previously represented by Laura Beth York, who was allowed to withdraw by an Order of the Full Commission on April 18, 2023. The respondents filed a Motion to Dismiss for Failure to Prosecute on April 28, 2023, contending that the claimant had failed to prosecute the claim and that no *bona fide* request for a hearing had been made within six months of filing the claim. The claimant failed to respond to the Motion to Dismiss.

A hearing was set for June 27, 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,

Carol Worley 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 and Ark. Code Ann. §11-9-702 at this time.

IT IS SO ORDERED:

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JAMES D. KENNEDY  
ADMINISTRATIVE LAW JUDGE