

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

AWCC FILE № G907485

KENNETH EVANS, EMPLOYEE

CLAIMANT

FOREST HEIGHTS STEM ACADEMY, EMPLOYER

RESPONDENT

**ARKANSAS SCHOOL BOARDS ASSOCIATION,
CARRIER/TPA**

RESPONDENT

OPINION FILED 15 NOVEMBER 2023

Heard before Arkansas Workers' Compensation Commission (AWCC) Administrative Law Judge JayO. Howe, 15 November 2023, Little Rock, Pulaski County, Arkansas.

The *pro se* claimant failed to appear.

Ms. Melissa Wood, Attorney-at-Law of Little Rock, Arkansas, appeared for the respondents.

STATEMENT OF THE CASE

A hearing on the respondents' Motion to Dismiss was held on this matter in Little Rock, Arkansas, on 15 November 2023. This case relates to a workplace injury from 9 October 2019. Multiple Form AR-Cs have been filed with the Commission over the years, as reflected in the Commission's file and the respondents' documents supplied in support of their motion. See Commission's Exhibit № 1. On 8 February 2023, a hearing was conducted and an opinion was issued on 7 August 2023 dispensing with several issues.

The Full Commission entered an Order relieving the claimant's counsel of record on 6 September 2023. On 12 September 2023, the respondents filed the immediate Motion to Dismiss for the claimant's failure to prosecute any remaining claims associated with his workplace injury. As argued in the respondents' motion, the file reflects no request for a hearing on a claim in the relevant time preceding the filing of that motion. Notice of that Motion and notice of the hearing on that Motion were sent to the address provided by the

claimant, but the Commission received no response. The claimant failed to appear to resist the Motion to Dismiss any claims remaining in this matter. The respondents appeared, presented their Motion, and offered supporting evidence into the record.

Our Rule 099.13 provides for a dismissal for failure to prosecute an action upon application by either party. Based on the record, available evidence, and the arguments of the respondents' counsel, I find that the respondents' Motion to Dismiss should be granted and that the matter should be dismissed without prejudice.

II. ORDER

The Motion to Dismiss is GRANTED, and this matter is DISMISSED WITHOUT PREJUDICE.

SO ORDERED.

JAYO. HOWE
ADMINISTRATIVE LAW JUDGE