

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. H103620

EUGENE A. MOORE, EMPLOYEE

CLAIMANT

PCSSA TRANSPORTATION NW, EMPLOYER

RESPONDENT

**ARKANSAS SCHOOL BOARD ASSOC.
INSURANCE, CARRIER/TPA**

RESPONDENT

OPINION FILED APRIL 27, 2022

Hearing before Administrative Law Judge James D. Kennedy in Little Rock, Pulaski County, Arkansas, on March 29, 2022.

Claimant is Pro Se and failed to appear.

Respondents are represented by Ms. Melissa Wood, Attorney-at-Law, Little Rock, Arkansas.

STATEMENT OF THE CASE

A hearing was held in the above styled matter on March 29, 2022, in Little Rock, Arkansas, on respondent's Motion to Dismiss for failure to prosecute pursuant to Ark. Code Ann. §11-9-702(d), and Rule 099.13 of the Arkansas Workers' Compensation Act. The claimant contended that he suffered an injury on April 15, 2021, while adjusting his seat and this action injured his left side in the form of a strain to his ribs and lower back. The claim was accepted as medical only and he received a full release on April 20, 2021, when his last benefits were paid.

No action has been taken in over six (6) months with respect to the claim. The respondents requested that the matter be dismissed by a letter dated January 31, 2022, and the letter was treated as a Motion to Dismiss. The claimant was notified of the request and no response was filed.

A hearing was set for March 29, 2022, in regard to the request for the matter being dismissed. The claimant failed to appear at the hearing, after the appropriate notice was

given. The claimant failed to prosecute his claim as required under Arkansas law. At the time of the hearing, Melissa Wood appeared on behalf of the respondents.

This matter was taken under advisement and no response has been received from the claimant. 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 at this time.

IT IS SO ORDERED:

JAMES D. KENNEDY
ADMINISTRATIVE LAW JUDGE