

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. H004172

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| JACOB PRINGLE, EMPLOYEE | CLAIMANT |
| TOTAL PRECISION, INC., EMPLOYER | RESPONDENT |
| MARKEL SERVICE, Servicing Entity for FirstCOMP INSURANCE COMPANY | RESPONDENT |

OPINION FILED APRIL 2, 2024

Hearing before Administrative Law Judge James D. Kennedy in Little Rock, Pulaski County, Arkansas on March 26, 2024.

Claimant is *pro se* and failed to appear.

Respondents are represented by Mr. Randy P. Murphy, Attorney-at-Law of Little Rock, Arkansas.

STATEMENT OF THE CASE

A hearing was held in the above-styled matter on March 26, 2024, in Little Rock, Arkansas on respondents' 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 was *pro se* and failed to appear for the hearing. The claimant had filed a Form AR-C in March of 2020, through his attorney Daniel Wren, claiming entitlement to additional benefits due to an injury of the small, fifth finger of the right hand. The claim was accepted. An AR-2 was filed on or about July 7, 2020, that did not provide any reason to controvert the claim. The claimant's attorney, Daniel Wren, was allowed to withdraw by an Order of the Full Commission dated May 16, 2023.

A Motion to Dismiss was filed on or about January 23, 2024, requesting that the matter be dismissed for failure to prosecute pursuant to A.C.A. §11-9-702(a)(4) and Rule 099.13. The claimant has not requested a hearing to date and more than six (6) months

have passed since the filing of the original claim nor is there any record of him contacting the Commission.

Appropriate notice was provided to the claimant notifying him that a hearing on the Motion to Dismiss was set for March 26, 2024, 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, Randy P. Murphy, 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 respondent, it is found that this matter should be dismissed without prejudice, for failure to prosecute pursuant to A.C.A. 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