

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. H105898

BRIEN QUINN, EMPLOYEE

CLAIMANT

INK ENTERPRISES, INC. EMPLOYER

RESPONDENT

**TECHNOLOGY INSURANCE COMPANY/
AMTRUST NORTH AMERICA,
CARRIER/TPA**

RESPONDENT

OPINION FILED APRIL 19, 2022

Hearing before Administrative Law Judge James D. Kennedy in Little Rock, Pulaski County, Arkansas, on April 19, 2020.

Claimant is *Pro Se* and did not appear.

Respondents are represented by Mr. William C. Frye, Attorney-at-Law, North Little Rock, Arkansas.

STATEMENT OF THE CASE

A hearing was held in the above-styled matter on April 19, 2022, in Little Rock, 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 claim involves an injury which allegedly occurred on or about June 23, 2021, when an employer/employee relationship existed. The claim was denied in its entirety. More than six (6) months have passed since the claimant alleged that he sustained a work-related injury, and although the claimant, at one point requested a hearing in regard to this matter, the claimant failed to appear for his deposition that was set for March 22, 2022, and notified the representative for the respondents that he was not going to appear for the deposition, and also notified the representative for the respondents by email that

he was not going to pursue his claim. A request for the matter to be dismissed was made by the respondents on March 22, 2022, and the claimant failed to respond to the request.

A hearing was set for April 19, 2022, in regard to the Motion to Dismiss. The claimant failed to appear at the hearing after proper notice. At the time of the hearing, William C. Frye 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 at this time.

IT IS SO ORDERED:

JAMES D. KENNEDY
ADMINISTRATIVE LAW JUDGE