

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM No H204518

BEVERLY RICHARD, EMPLOYEE

CLAIMANT

CARELINK, EMPLOYER

RESPONDENT

**AGING SERVICES FUND/RISK MANAGEMENT
RESOURCES, CARRIER/TPA**

RESPONDENT

OPINION FILED MARCH 22, 2023

Hearing before Administrative Law Judge JayO. Howe in Little Rock, Pulaski County, Arkansas, on March 22, 2023.

Claimant is represented *pro se* and failed to appear.

Respondents are represented by Worley, Wood & Parrish, P.A. Ms. Melissa Wood appeared.

STATEMENT OF THE CASE

A hearing was held in the above-styled matter on March 22, 2023, on the respondents' Motion to Dismiss for failure to prosecute pursuant to Arkansas Code Ann. § 11-9-702 of the Arkansas Workers' Compensation (AWCC) Act and AWCC Rule 099.13. The claim involves an alleged workplace injuries sustained on or about January 12, 2022.

As evidenced in Respondents' Exhibit No 1, admitted into the record without objection, a Form AR-N was executed by the claimant on January 14, 2022. A First Report of Injury was then prepared on January 18, 2022. The Commission received a Form AR-C on June, 23, 2022. At the time of the AR-C filing, the claimant was represented by Ms. Laura Beth York, but she was relieved as counsel by an Order from the Full Commission dated September 29, 2022.

The respondents filed the immediate motion for a dismissal, based on the claimant's failure to prosecute her case, on December 27, 2022. The motion stated that the claimant sought no *bona fide* request for a hearing in the six (6) months prior to the motion's filing,

thus making this matter appropriate for dismissal under ACA § 11-9-702 and AWCC Rule 099.13. Notice of the respondents' motion was sent to the claimant by the Commission on January 3, 2023, directing a written response to the motion within twenty (20) days. No response was offered, and a hearing on the motion was set accordingly.

As noted above, the claimant failed to appear for the March 22, 2023, hearing. Ms. Wood appeared for the respondents, presenting argument and evidence that more than six (6) months passed since the filing of the AR-C without any request for a hearing on an issue ripe for adjudication. Indeed, my review of the file evidences the same.

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 respondents' attorney, to which there was no rebuttal or resistance on behalf of the claimant, there is no alternative but to find that the Motion to Dismiss should be granted at this time for the claimant's failure to prosecute her claim and that the matter should be dismissed without prejudice.

ORDER

The Motion to Dismiss AWCC Claim No H204518 is hereby be granted, and this matter shall be dismissed without prejudice.

SO ORDERED.

JAYO. HOWE
ADMINISTRATIVE LAW JUDGE