

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. H205510

DALE H. TAYLOR, EMPLOYEE

CLAIMANT

BAD BOY MOWERS, LLC, EMPLOYER

RESPONDENT

CHUBB INDEMNITY INSURANCE CO., TPA/CARRIER

RESPONDENT

OPINION FILED JUNE 28, 2024

Hearing before Administrative Law Judge James D. Kennedy in Batesville, Arkansas, on June 26, 2024.

Claimant is Pro Se and appeared on his own behalf.

Respondents are represented by their attorney, Rick Behring, Jr., Little Rock, Arkansas.

STATEMENT OF THE CASE

A hearing was held in the above styled matter on June 26, 2024, in Batesville, Arkansas, on respondent's Motion to Dismiss for failure to prosecute pursuant to A.C.A. 11-9-702 and Rule 099.13 of the Arkansas Workers' Compensation Act. The claimant was pro se and appeared on his own behalf and objected to the dismissal of his claim.

The claimant had been previously represented by Laura Beth York, who had been allowed to withdraw by an Order of the Full Commission, dated June 29, 2023. A Motion to Dismiss had been previously filed and the Claimant failed to appear at the time of the hearing. The previous Motion to Dismiss was granted without prejudice, after a hearing in regard to the motion on October 10th, 2023.

A second Motion to Dismiss was filed on or about April 30, 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.

Appropriate notice was provided to the claimant who did appear timely at the time of the hearing on the Motion to Dismiss on June 26, 2024, in Batesville, Arkansas. At the time of the hearing, Rick Behring, Jr., 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 as well as the claimant, the Motion to Dismiss was denied. The Claimant was instructed that he would be responsible for the timely filing of discovery and other documents in regard to the pursuit of his claim in a timely manner.

ORDER

Pursuant to the above statement of the case, there is no alternative but to deny the Motion to Dismiss.

JAMES D. KENNEDY
ADMINISTRATIVE LAW JUDGE