

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. H303057

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| WADE A. BAKER, Employee                | CLAIMANT   |
| CITY OF SILOAM SPRINGS, Employer       | RESPONDENT |
| ARKANSAS MUNICIPAL LEAGUE WCT, Carrier | RESPONDENT |

OPINION/ORDER FILED OCTOBER 7, 2024

Hearing before ADMINISTRATIVE LAW JUDGE GREGORY K. STEWART in Springdale, Washington County, Arkansas.

Claimant not represented by counsel and not appearing at hearing.

Respondents represented by MARY K. EDWARDS, Attorney, No. Little Rock, Arkansas.

OPINION/ORDER

This case comes on for review following a hearing on respondent's Motion to Dismiss.

On October 18, 2021, claimant suffered a compensable injury to his back while working for the respondent. On May 16, 2023, claimant, through his attorney, Lauri Thomas, filed Form AR-C requesting additional compensation benefits. In an Order dated September 28, 2023, a change of physician was approved to Dr. Blankenship. Thereafter, Attorney Thomas' Motion to Withdraw as Counsel was granted by Order dated December 20, 2023.

Since that time, no further action has been requested by the claimant. On August 5, 2024, respondent filed a motion to dismiss this claim for failure to prosecute. Respondent sent by certified mail a copy of its' Motion to Dismiss to the claimant and it

was delivered on August 15, 2024. A hearing was scheduled on the respondent's motion for September 25, 2024. Notice of the hearing was sent to claimant by certified mail and was picked up by the claimant at the Post Office on August 30, 2024.

Claimant did not appear at the hearing and has not responded to the respondent's motion.

After my review of the respondent's motion, the claimant's failure to respond thereto, and all other matters properly before the Commission, I find that respondent's motion to dismiss this claim for failure to prosecute should be and hereby is granted. This dismissal is pursuant to Commission Rule 099.13 and it is without prejudice.

IT IS SO ORDERED.

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GREGORY K. STEWART  
ADMINISTRATIVE LAW JUDGE