

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION**

**CLAIM NO. H006320**

**MARY R. BRYAN, EMPLOYEE**

**CLAIMANT**

**DES ARC ELEMENTARY, EMPLOYER**

**RESPONDENT**

**ARKANSAS SCHOOL BOARD ASSOC, CARRIER/TPA**

**RESPONDENT**

**OPINION FILED MAY 14, 2024**

**Hearing before Administrative Law Judge James D. Kennedy in Little Rock, Arkansas on May 14, 2024.**

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

**Respondents are represented by their attorney, Melissa Wood, Little Rock, Arkansas.**

**STATEMENT OF THE CASE**

A hearing was held in the above styled matter on May 14, 2024, in Little Rock, Arkansas on respondent's Motion to Dismiss for failure to prosecute pursuant to Arkansas Code Ann. 11-9-702 and Rule 099.13 of the Arkansas Workers' Compensation Act. The claimant was originally represented by Shannon Muse Carrol, who was allowed to withdraw as counsel by an Order of the Full Commission dated

August 9, 2022. At the time of the above hearing, the claimant was pro se and failed to appear for the hearing. The Claimant had filed a Form AR – C on June 22, 2021, contending that she slipped and fell while standing in water and that she injured her left knee on August 25, 2020. The First Report of Injury in regard to this claim had been previously filed on September 3, 2020, and provided that the claimant had slipped and fell which resulted in a fracture of the left knee. The Form AR- 2 filed on September 10, 2020, provided that the date of the first compensation check was September 10, 2020, in the amount of \$1393.40.

A Request to Dismiss the Claim was filed on March 11, 2024, requesting that the matter be dismissed for lack of prosecution. The claimant has not requested a hearing to date and more than six months have passed since the filing of the original claim nor is there any record of her contacting the Commission after the date her attorney was allowed to withdraw.

Appropriate notice was provided to the claimant notifying her that a hearing on the Motion to Dismiss was set for May 14, 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, Melissa Wood 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, I find 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.

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JAMES D. KENNEDY  
ADMINISTRATIVE LAW JUDGE