

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. H000197

DAVID CALKIN, EMPLOYEE

CLAIMANT

MEDIC ONE, LLC, EMPLOYER

RESPONDENT

**ONE REPUBLIC INSURANCE CO.,
CARRIER/TPA**

RESPONDENT

OPINION FILED APRIL 1, 2025

**Hearing before Administrative Law Judge James D. Kennedy in Little Rock,
Arkansas, on March 11, 2025.**

Claimant is Pro Se and did not appear.

Respondents are represented by Michael C. Styles, of Little Rock, Arkansas.

STATEMENT OF THE CASE

A hearing was held in the above styled matter on March 11, 2025, 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 contended that he sustained a work-related injury to his left shoulder and left knee and other "whole body" on October 20, 2019, when he fell off the back of the ambulance landing on his side. A First Report of Injury was filed on January 16, 2020, and an AR -2 was filed on January 17, 2020. An AR – C was filed on April 20, 2020, stating that the claimant fell off the back of an ambulance while working, and sustained injuries to his left shoulder, left knee, and other "whole body." The claimant was originally represented by Laura Beth York, who was allowed to withdraw by an Order of The Full Commission dated February 3, 2022. No bona fide request for a hearing has been made within six (6) months of the filing of the claim. A Motion to Dismiss for failure to prosecute

was filed on or about December 27, 2024, and the claimant failed to respond to the motion.

A hearing was set for March 11, 2025, in regard to the Motion to Dismiss. The claimant failed to appear at the hearing after proper notice to his last known address. At the time of the hearing, Michael C. Styles 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 pursuant to Arkansas Code Ann. 11-9-702 and Rule 099.13 of the Arkansas Workers' Compensation Act at this time.

IT IS SO ORDERED:

JAMES D. KENNEDY
ADMINISTRATIVE LAW JUDGE