

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. H206196

MICHAEL DEVRIES, EMPLOYEE

CLAIMANT

SIEMENS SMART INFRASTRUCTURE, EMPLOYER

RESPONDENT

**TECHNOLOGY INSURANCE COMPANY/
TRAVELERS INDEMNITY CO., CARRIER/TPA**

RESPONDENT

OPINION FILED OCTOBER 17, 2024

Hearing before Administrative Law Judge James D. Kennedy in Clinton, Arkansas, on October 10, 2024.

Claimant is pro se and appeared on his own behalf.

Respondents are represented by their attorney, Guy Alton Wade, of Little Rock, Arkansas.

STATEMENT OF THE CASE

A hearing was held in the above styled matter on October 10, 2024, in Clinton, Arkansas, on respondent's Motion to Dismiss for failure to prosecute pursuant to Arkansas Code Ann. 11-9-702 and Rule 13 of the Workers' Compensation Act. A Form AR-C was filed on March 8, 2023, claiming the claimant had injured his left toe, left foot, and "other whole body." A First Report of Injury provided that the report was prepared on August 29, 2023. A Form AR- 2 provided that the claimant was injured on August 17, 2023, and the claim was accepted for the amputation of the great toe and a laceration to the second toe. The claimant was originally represented by Laura Beth York, attorney at law, who was allowed to withdraw by an Order from the Full Commission, dated August 7, 2024.

A Motion to Dismiss the Claim was filed on or about August 20, 2024, by letter, contending that the claimant had failed to request a hearing or pursue the matter further. The claimant failed to file any response to the Motion. Appropriate notice was received by the claimant, and he appeared on his own behalf. The claimant had not requested a hearing as of the date of the Motion to Dismiss hearing and had failed to pursue his claim with more than six months passing from the filing of the original claim. The claimant stated he was not aware of any additional benefits that he was entitled to and really had no reason to object to the dismissal. At the time of the hearing, Guy Alton Wade 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 statements by the claimant, it is found 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.

JAMES D. KENNEDY
ADMINISTRATIVE LAW JUDGE