

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. H404703

JAYLA JACKSON, EMPLOYEE

CLAIMANT

MO/GO LOGISTICS, EMPLOYER

RESPONDENT

**LUBU CASUALTY INSURANCE COMPANY,
CARRIER/TPA**

RESPONDENT

OPINION FILED APRIL 1, 2025

Hearing before Administrative Law Judge James D. Kennedy in Little Rock, Arkansas, on April 1, 2025.

Claimant is Pro Se and did not appear.

Respondents are represented by Jarrod Parrish, of Little Rock, Arkansas.

STATEMENT OF THE CASE

A hearing was held in the above styled matter on April 1, 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 she sustained a work-related injury while loading boxes on July 11, 2024, injuring her lower and middle back. A C Form was filed on July 23, 2024. A First Report of Injury was filed on July 16, 2024, and an AR -2 was filed on August 26, 2024, providing that it was a medical only claim. 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 January 24th, 2025, and the claimant failed to respond to the motion.

A hearing was set for April 1, 2025, in regard to the Motion to Dismiss. The claimant failed to appear at the hearing after proper notice to the last known address of the claimant, and after the Respondent's representative called the hall for the claimant. At the time of the hearing, Jarrod Parrish 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