

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. H305669

MESHA MOFFETT, EMPLOYEE

CLAIMANT

STAFFMARK, EMPLOYER

RESPONDENT

ACE INA GROUP/CCMSI, CARRIER/TPA

RESPONDENT

OPINION FILED SEPTEMBER 11, 2024

Hearing before Administrative Law Judge James D. Kennedy in Little Rock, Arkansas on September 10, 2024.

Claimant is pro se and failed to appear.

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

STATEMENT OF THE CASE

A hearing was held in the above styled matter on September 10, 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 13 of the Workers' Compensation Act. The claimant was originally represented by counsel and filed a Form AR-C on December 9, 2023, claiming that she had injured her wrist and hand. A Form AR- 2 had been previously filed on September 1, 2023, which provided the date of injury to be June 27, 2023. The first day of disability was August 31, 2023, and the claim was accepted as compensable. The claimant had reached MMI on March 25, 2024, and was originally represented by Mark Peoples, Attorney at Law, who was allowed to withdraw by an Order from the Full Commission, dated June 25, 2024.

A Motion to Dismiss the Claim was filed on July 10, 2024, contending that the claimant had failed to prosecute the claim per the law and rules of the Commission. The claimant has not requested a hearing to date and more than six months have passed since the filing of the original claim.

Appropriate notice was provided to the claimant at her last known address notifying her that a hearing on the Motion to Dismiss was set for September 10, 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, 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