

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. H 403795

PAUL A. SIMPSON, EMPLOYEE

CLAIMANT

SAINT JEAN INDUSTRIES, EMPLOYER

RESPONDENT

**TRAVELERS PROPERTY CAS. OF AMERICA,
CARRIER/TPA**

RESPONDENT

OPINION AND ORDER DATED MAY 6, 2025

The Hearing before Administrative Law Judge James D. Kennedy in Clinton, Arkansas, was held on April 30, 2025.

The claimant was pro-se and failed to appear.

Respondents were represented by Guy Alton Wade, of Little Rock, Arkansas.

STATEMENT OF THE CASE

A hearing was held in the above styled matter on the 30th day of April 2025, in Clinton Arkansas, on Respondent's Motion to Dismiss for failure to prosecute pursuant to Ark. Code Ann. 11-702 and Rule 099.13 of the Arkansas Workers' Compensation Act. The claimant was pro se and failed to appear on his own behalf. The respondents were represented by Guy Alton Wade, Arkansas, who introduced thirteen (13) pages of documents which were admitted into the evidentiary record.

The documents included a First Report of Injury which provided the employee contended that he had lifted an automobile part off a rack and then turned, when he felt a pop in his back on June 2, 2024. A Form C was filed which provided that the accident occurred on June 2, 2024. A Form AR- 2, dated June 17, 2024, stated there was no injury per statutory definition and the carrier was awaiting medical records. A letter from the Respondent's attorney along with statements at the time of the hearing provided the

discovery propounded to the Claimant on June 28, 2025, was never answered. However, the Respondents did respond to the Claimant's discovery on or about August 12, 2024. The Claimant had been previously represented by Mark Alan Peoples, who was allowed to withdraw by an Order of the Full Commission, dated February 12, 2025. The Respondents filed a Motion to Dismiss by letter dated February 20, 2025, and asked that the matter be dismissed for lack of prosecution, stating that discovery remained outstanding.

No response was filed by the Claimant so an appropriate notice of a Motion to Dismiss hearing was provided to the Claimant setting the hearing for April 30, 2025, at 10:00 a.m., in Clinton, Arkansas.

A hearing was held on April 30, 2025, and the claimant failed to appear. The Respondents were represented by Guy Alton Wade, who requested that the matter be dismissed pursuant to Rule 099.13 of the Arkansas Workers' Compensation Commission and Ark. Code Ann. 11-9-702.

ORDER

Pursuant to the above statement of the case, as well as the documents entered into the evidentiary record and statements by the attorney for the Respondents, there is no alternative but to grant the Motion to Dismiss without prejudice pursuant to Rule 099.13 of the Arkansas Workers' Compensation Commission and Ark. Code Ann. 11-9-702.

IT IS SO ORDERED.

JAMES D. KENNEDY
ADMINISTRATIVE LAW JUDGE