

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION**

**CLAIM F407036**

**MICHAEL L. LOY,  
EMPLOYEE**

**CLAIMANT**

**TURTLE POINTE  
COUNTRY CLUB,  
EMPLOYER**

**RESPONDENT**

**FIRSTCOMP INS. CO.,  
INSURANCE CARRIER**

**RESPONDENT**

**OPINION FILED JUNE 2, 2005.**

Pursuant to a hearing conducted March 9, 2005, before Administrative Law Judge Richard B. Calaway in Little Rock, Pulaski County, Arkansas, with

Mr. Andy L. Caldwell, Attorney at Law, Little Rock, Arkansas, appearing for the respondents; and

Mr. Philip M. Wilson, Attorney at Law, Little Rock, Arkansas, representing the claimant, failing to appear.

**STATEMENT OF THE CASE**

This is a hearing to consider the motion to dismiss filed on behalf of the respondents.

The respondents contended that this claim should be dismissed. Specifically, they contended that an AR-C dated July 8, 2004, was received by the Commission July 15, 2004, alleging an injury on July 23, 2004. The claim was controverted in its entirety and the claimant's deposition was scheduled for September 15, 2004, but the claimant did not appear. The deposition was rescheduled about a week later with the same result, and, again, on October 12, 2004, with the claimant again failing to appear. Thereafter, the respondents requested dismissal for failure to prosecute and a copy of this request was forwarded by letter dated October 25, 2004, to claimant's counsel and the claimant, indicating that an Order of Dismissal could be entered unless appropriate action was taken. No response was received on behalf of the claimant, and this matter was scheduled for a hearing, and

notice was duly given to claimant and claimant's counsel, pursuant to a letter dated February 15, 2005. Thereafter, claimant's counsel advised counsel for the respondents that he had closed his file and was not going to attend the hearing.

Accordingly, due to the claimant's failure to appear at the hearing, failure to appear at the depositions, and his failure generally to prosecute the claim, the motion should be, and it is, hereby, granted and this claim is dismissed.

**IT IS SO ORDERED.**

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RICHARD B. CALAWAY  
Administrative Law Judge