

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM F106783

**OLLIE J. ROBINSON,
EMPLOYEE**

CLAIMANT

**REYNOLDS METALS CO.,
EMPLOYER**

RESPONDENT

**NATIONAL UNION FIRE
INS. CO. OF PITTSBURG,
INSURANCE CARRIER**

RESPONDENT

**CHARLES R. PADGHAM,
ATTORNEY AT LAW**

INTERVENOR

OPINION FILED AUGUST 5, 2005,

Pursuant to a hearing conducted May 12, 2005, before Administrative Law Judge Richard B. Calaway in Hot Springs, Garland County, Arkansas, with

Mr. James C. Baker, Jr., Attorney at Law, Little Rock, Arkansas, appearing for the respondents; and

The claimant, proceeding pro se.

STATEMENT OF THE CASE

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

The respondents requested that this claim be dismissed for failure to prosecute. A review of the record shows that the claim was filed January 20, 2001, alleging an injury on or about January 2, 2001, as a result of exposure to asbestos and other substances during the claimant's employment. On January 21, 2003, claimant's counsel withdrew as Attorney of Record and asserted a lien. Thereafter, following a telephone prehearing conference with the claimant and counsel for the respondents, a hearing was scheduled for May 20, 2004. However, the hearing was cancelled at the request of the claimant on May 18, 2004, and the file was returned to general files. On March 4, 2005, the Motion to Dismiss was filed on behalf of the respondents.

At the hearing, the claimant asserted that he wished to pursue his claim and he was advised to obtain counsel for that purpose, although the claimant was also advised that an attorney is not required.

Accordingly, at this time, the motion should be, and it is hereby, respectfully denied and dismissed.

IT IS SO ORDERED.

RICHARD B. CALAWAY
Administrative Law Judge