

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM F208647

**CHARLES O. SARGENT,
EMPLOYEE**

CLAIMANT

**LIGHTHOUSE MISSION MINISTRY,
EMPLOYER**

RESPONDENT

**AMERICAN HOME ASSURANCE CO.;
AIG CLAIM SERVICES, INC.,
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. John P. Talbot, Attorney at Law, Pine Bluff, Arkansas, appearing for the respondents; and

Mr. Charles O. Sargent, the claimant, proceeding pro se, 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 requested that this claim be dismissed for failure to prosecute. The claimant has failed to respond to this request.

A review of the record shows that the claimant suffered a compensable eye injury on or about July 25, 2002, during his employment with Lighthouse Mission Ministry. Initial medical care was provided to the claimant.

On August 12, 2002, an AR-C was filed on behalf of the claimant requesting benefits. The claimant's deposition was taken and his testimony indicated that he may have had problems with his eye and received treatment for his eye problem while in prison both in Mississippi and in the federal penitentiary in Memphis. The respondents obtained a medical authorization but learned that the

prison system required additional authorization. The documentation was requested of the claimant, but he did not respond. A hearing scheduled for May 27, 2003, to address the claimant's request for additional benefits was cancelled in order to accommodate additional discovery. By an order dated February 27, 2004, claimant's former counsel was relieved as attorney of record. Thereafter, a motion to dismiss was granted July 14, 2004, but the claimant immediately filed an additional request for benefits, which was received July 16, 2004. At a prehearing conference August 30, 2004, the claimant was granted additional time to obtain an attorney. Thereafter, the motion to dismiss was filed on behalf of the respondents and a hearing was scheduled for March 9, 2005.

Notice of the hearing was duly given the claimant pursuant to a letter dated February 15, 2005, and forwarded to him by certified and regular mail. The claimant failed to respond to the motion on behalf of the respondents and has failed to appear at the hearing. Accordingly, premises considered, due to the claimant's failure to prosecute his claim, the motion should be, and it is, hereby, granted and this claim is dismissed.

IT IS SO ORDERED.

RICHARD B. CALAWAY
Administrative Law Judge