

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

WCC NO. F707551

RANDY BRYAN, Employee	CLAIMANT
MAGAZINE SCHOOL DISTRICT, Employer	RESPONDENT
RISK MANAGEMENT RESOURCES, Carrier	RESPONDENT

OPINION/ORDER FILED JUNE 30, 2008

Hearing before ADMINISTRATIVE LAW JUDGE GREGORY K. STEWART in Fort Smith, Sebastian County, Arkansas.

Claimant proceeding *pro se*.

Respondents represented by JAMES A. ARNOLD, II, Attorney, Fort Smith, Arkansas.

OPINION/ORDER

This case comes on for review following a hearing on the respondent's motion to dismiss for failure to prosecute.

Following the Commission's receipt of the claimant's AR-C form, this claim was eventually assigned to this administrative law judge for a hearing. By letter dated September 6, 2007, I informed claimant that he needed to file a completed pre-hearing questionnaire. Claimant did not respond to this request and by letter dated November 1, 2007, I again informed claimant that he needed to file a pre-hearing questionnaire before further action could be taken in his claim. When claimant still did not respond to this request I informed claimant by letter dated December 4, 2007, that I was returning his file to general files.

On March 11, 2008, the respondent by letter filed a motion requesting that this claim be dismissed for lack of prosecution. By letter dated March 19, 2008, I informed claimant of the respondent's motion and again asked him to complete a pre-hearing questionnaire if he wished to pursue his claim. I also informed claimant that if I did not hear from him

within the prescribed time a hearing on the respondent's motion to dismiss would be scheduled. When claimant did not respond within the appropriate time a hearing was scheduled for June 9, 2008. Notice of the hearing on respondent's motion was sent to claimant by certified mail and was signed for by claimant on May 22, 2008. Despite having received notice of the hearing, claimant did not appear.

Based upon the fact that claimant has taken no action to pursue his claim since the filing of his AR-C, the fact that claimant has not responded to repeated requests for filing a completed pre-hearing questionnaire, the fact that claimant did not respond to the respondent's motion, and the fact that claimant did not appear at the hearing, I find that respondent's motion to dismiss this claim for failure to prosecute should be and hereby is granted. This dismissal is without prejudice.

The respondents are ordered to pay the court reporter's charges for preparing the hearing transcript in the amount of \$100.25.

IT IS SO ORDERED.

GREGORY K. STEWART
ADMINISTRATIVE LAW JUDGE