

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F709927

WALTER L. DORSEY, EMPLOYEE	CLAIMANT
BULLDOG LOGISTICS, INC., EMPLOYER	RESPONDENT
FIRSTCOMP INSURANCE COMPANY, CARRIER	RESPONDENT

**OPINION AND ORDER OF DISMISSAL WITHOUT PREJUDICE**  
**FILED SEPTEMBER 26, 2008**

This matter comes on for consideration of the respondents' Motion to Dismiss for failure to prosecute filed on May 30, 2008. The respondents are represented by Attorney Randy Murphy. The claimant is pro se. A hearing was held on September 2, 2008. The claimant did not appear at the hearing. The record consists of the transcript of the September 2, 2008, hearing and the exhibits contained therein.

By way of history, the claimant filed at the Commission a Form AR-C dated September 16, 2007. When the claimant did not take any further action or request a hearing, the respondents filed their motion to dismiss on May 30, 2008. I sent a letter to the claimant requesting a response to the motion. Mr. Dorsey objected to the motion. I therefore took the motion to dismiss under advisement and mailed to Mr. Dorsey a prehearing questionnaire to complete and a deadline for filing his response. When Mr. Dorsey did not

send me answers to the prehearing questionnaire, I sent him a second questionnaire. I advised Mr. Dorsey in my letter that if Mr. Dorsey did not file a response to the questionnaire within 21 days, I would conclude that Mr. Dorsey had withdrawn his hearing request, and I would set a hearing date on Mr. Murphy's pending motion to dismiss. When Mr. Dorsey did not respond to the second questionnaire that I mailed to him, I sent to both parties a letter setting a hearing date, time and location for the hearing I held on the respondents' motion to dismiss.

After considering the claimant's lack of pursuit of this claim from the time he filed his Form AR-C until the respondents filed their Motion to Dismiss, and the claimant's lack of response to my two prehearing questionnaires along with his lack of response to the respondents' discovery while I took the Motion to Dismiss under advisement, I conclude that the claimant has failed or refused to present any evidence to establish that he in good faith intends to prosecute this claim for benefits. I therefore find that the Motion to Dismiss should be, and hereby is, granted. The dismissal shall be without

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prejudice to refiling within the appropriate limitations  
period.

\_\_\_\_\_IT IS SO ORDERED.

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MARK CHURCHWELL  
Administrative Law Judge