

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

WCC NO. H205509

MICHELLE BRAZEAL, Employee

CLAIMANT

MIGHTY CRAB, Employer

RESPONDENT

AMTRUST NORTH AMERICA, Carrier/TPA

RESPONDENT

OPINION FILED JUNE 13, 2023

Hearing before ADMINISTRATIVE LAW JUDGE ERIC PAUL WELLS in Fort Smith, Sebastian County, Arkansas.

Claimant not represented by counsel and not appearing at hearing.

Respondent represented by WILLIAM C. FRYE, Attorney at Law, North Little Rock, Arkansas.

STATEMENT OF THE CASE

This case comes on for review following a hearing on respondents' Motion to Dismiss.

On August 3, 2022, the claimant filed an AR-C requesting various compensation benefits in which she alleged an injury to her head. The claim was denied in its entirety. On August 31, 2022, the claimant submitted a hearing request to the Legal Advisor Division of the Arkansas Workers' Compensation Commission; however, there has been no further communication or action taken by the claimant.

On March 13, 2023, the respondents filed a Motion to Dismiss requesting that this claim be dismissed for lack of prosecution. A hearing was scheduled for June 1, 2023. Notice of that hearing was sent to the claimant by certified mail, return receipt requested on April 25, 2023. United States Postal Department records indicate that claimant received and signed for the notice

on April 27, 2023. Despite having received notice of the scheduled hearing, the claimant failed to appear at the hearing and has failed to respond to the motion in any form or manner.

After my review of the respondents' Motion to Dismiss, the claimant's lack of response thereto, and all other matters properly before the Commission, I find that respondents' Motion to Dismiss this claim should be and hereby is granted pursuant to Commission Rule 099.13. This dismissal is without prejudice.

ORDER

Pursuant to the above statement of the case and Commission Rule 099.13, I have no alternative but to dismiss this claim in its entirety, without prejudice, for failure to prosecute.

If respondents have not already done so, they are directed to pay the court reporter, Veronica Lane, her fees and expenses within thirty (30) days of receipt of her invoice.

IT IS SO ORDERED.

ERIC PAUL WELLS
ADMINISTRATIVE LAW JUDGE