

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. **H107765**

FRED JONTE, EMPLOYEE	CLAIMANT
DISTRIBUTION SOLUTIONS INC., EMPLOYER	RESPONDENT
CCMSI/INSURANCE CARRIER	RESPONDENT

OPINION/ORDER FILED SEPTEMBER 29, 2023

Hearing before ADMINISTRATIVE LAW JUDGE JOSEPH C. SELF, in Springdale, Washington County, Arkansas.

Claimant is represented by DANIEL E. WREN, Attorney, Little Rock, Arkansas, although not appearing.

Respondents are represented by GUY ALTON WADE, Attorney, Little Rock, Arkansas

OPINION/ORDER

A hearing was conducted on September 21, 2023, to determine whether this claim should be dismissed for lack of prosecution pursuant to Ark. Code Ann. § 11-9-702(a)(4) and Commission Rule 099.13.

On June 26, 2023, respondent submitted a letter to serve as a Motion to Dismiss, as claimant died from causes unrelated to the subject claim. Claimant's attorney responded by letter on July 31, 2023, that he did not object to the matter being dismissed and provided a copy of the death certificate demonstrating that claimant died on March 5, 2023. These letters and the death certificate were introduced into the record.

I find it has been more than six months since prior to this hearing and that no request for a hearing has been made in this file. After my review of the Respondent's motion, the response by claimant's attorney and the death certificate, as well as all other matters properly before the Commission, I find that Respondent's Motion to Dismiss this claim should be and hereby is granted.

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This dismissal is pursuant to Commission Rule 099.13 and is without prejudice.

IT IS SO ORDERED.

JOSEPH C. SELF
ADMINISTRATIVE LAW JUDGE