

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. H003207

RICARDO ADAME, Employee	CLAIMANT
CONAGRA FOODS, Employer	RESPONDENT
ACE AMERICAN INSURANCE CO., Carrier/TPA	RESPONDENT

OPINION/ORDER FILED MAY 13, 2021

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

Claimant represented by STEVEN R. MCNEELY, Attorney, Jacksonville, Arkansas.

Respondent represented by MELISSA WOOD, Attorney, Little Rock, Arkansas.

OPINION/ORDER

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

Claimant suffered an admittedly compensable injury to his right ankle on July 31, 2019. As a result of that injury respondent paid some medical benefits. On June 3, 2020 claimant filed Form AR-C requesting various compensation benefits. When no hearing was requested, respondent filed a motion to dismiss on January 20, 2021. A hearing was scheduled on respondent's motion to dismiss for May 3, 2021. Notice of the scheduled hearing was sent to claimant's last known address by certified mail and was delivered on March 26, 2021.

Claimant's attorney appeared at the hearing and objected to the respondent's motion to dismiss. Attorney McNeely objected on the basis that the respondent's motion

to dismiss was filed shortly after the claimant's passing and more time should have been given before the filing of the motion. Notably, claimant's attorney admitted that he is not aware of any benefits that have been denied on the injury and there are no outstanding medical bills.

After my review of the respondent's motion, the claimant's objection thereto, and all other matters properly before the Commission, I find that respondent's motion to dismiss this claim should be and hereby is granted. This dismissal is pursuant to Commission Rule 099.13 and it is without prejudice.

IT IS SO ORDERED.

GREGORY K. STEWART
ADMINISTRATIVE LAW JUDGE