

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. **H102482**

BURUJI AINAB, EMPLOYEE	CLAIMANT
SIMMONS PREPARED FOODS INC., EMPLOYER	RESPONDENT
SEDGWICK CLAIMS MANAGEMENT SERVICES INC.INSURANCE CARRIER	RESPONDENT

OPINION/ORDER FILED **FEBRUARY 24, 2023**

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

Claimant is not represented and did not appear at the hearing.

Respondents are represented by R. SCOTT ZUERKER, Attorney, Fort Smith, Arkansas

OPINION/ORDER

On March 10, 2021, claimant filed Form AR-C, alleging a compensable injury on November 15, 2019. Claimant was represented at the time by Wesley A. Cottrell, who filed a Motion to Withdraw on August 8, 2022 and was allowed to withdraw on September 11, 2022. No other attorney entered an appearance on claimant's behalf.

On September 19, 2022, respondent filed a Motion to Dismiss, alleging that it had been more than six months since claimant filed her Form AR-C with the Commission, but she had not made a request for a hearing in that time. A hearing on respondent's Motion to Dismiss was scheduled for February 16, 2023. Notice of the scheduled hearing was sent to claimant by certified mail at the last known address in the Commission's file. The notice was returned unclaimed on January 23, 2023. Claimant did not respond to Respondent's motion and did not appear in person at the hearing on February 16, 2023.

I find it has been more than six months since prior to this hearing and that no request for a

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hearing has been made in this file. After my review of the Respondent's motion, the Claimant's lack of response and failure to attend the hearing for the Respondent's motion, 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. This dismissal is pursuant to Commission Rule 099.13 and is without prejudice.

IT IS SO ORDERED.

JOSEPH C. SELF
ADMINISTRATIVE LAW JUDGE