

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION
AWCC CLAIM NO.: G805291**

SHAUKAT A. ALKHADAIRY, Employee	CLAIMANT
HILBILT SALES CORP., Employer	RESPONDENT NO. 1
BRIDGEFIELD CASUALTY INS. CO.; CARRIER	RESPONDENT NO. 1
SUMMIT CONSULTING, LLC; TPA	RESPONDENT NO. 1
DEATH & PERMANENT TOTAL DISABILITY TRUST FUND	RESPONDENT NO. 2

OPINION AND ORDER FILED MAY 3, 2021

Hearing conducted before ADMINISTRATIVE LAW JUDGE TERRY DON LUCY, in Pulaski County, Arkansas.

Counsel for the Claimant: *pro se*.

Counsel for Respondents No. 1: HONORABLE MICHAEL E. RYBURN AND HONORABLE ZACHARY F. RYBURN, Attorneys at Law, Little Rock, Arkansas.

Counsel for Respondent No. 2: HONORABLE DAVID L. PAKE, Attorney at Law, Little Rock, Arkansas.

The above-captioned matter came on for a hearing on April 27, 2021, upon the Respondents' (second) Motion to Dismiss, filed with the Commission on March 5, 2021. The Claimant appeared for such hearing, as did Counsel for Respondent No. 1. Respondent No. 2 was deemed to have waived appearance at such given its previous waiver of appearance for a prior hearing held on August 26, 2020, with respect to Respondent No. 1's initial Motion to Dismiss.

During the hearing, the Commission's file was designated as part of the record without objection, inclusive of the transcript of the proceedings conducted on August 26, 2020. During the hearing, the Claimant credibly testified that he had been informed by his previous Counsel that he did not need to attend the hearing held on August 26, 2020, and further credibly testified that

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he had been unaware of his previous Counsel's Motion to Withdraw, granted by the Commission on January 15, 2021, as reflected in the Commission's file and incorporated by reference herein. Also during the hearing, the Claimant made it clear that he objected to Respondent No. 1's Motion to Dismiss, and intends to proceed upon the merits of his claim in the near future.

Based upon my review of the Commission's file, statements made by the Claimant and by Counsel for Respondent No. 1 during the hearing, I specifically find that Respondent No. 1's Motion to Dismiss should be, and hereby is, respectfully denied. The above-referenced matter will be returned to the Commission's general files and no further action will be taken unless the Clerk of the Commission is advised, in writing, of an additional hearing request. Respondent No. 1 is hereby ordered and directed to pay the court reporter's fee within thirty (30) days of billing for such.

IT IS SO ORDERED.

Honorable Terry Don Lucy
ADMINISTRATIVE LAW JUDGE