

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. **H303153**

FLOYD BATES, EMPLOYEE	CLAIMANT
ADAY LIME & FERTILIZER INC., EMPLOYER	RESPONDENT
STONETRUST INSURANCE INC. INSURANCE CARRIER	RESPONDENT

OPINION/ORDER FILED **FEBRUARY 7, 2024**

Hearing before ADMINISTRATIVE LAW JUDGE JOSEPH C. SELF, in Russellville, Pope County, Arkansas.

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

Respondents are represented by ZACHARY F. RYBURN, Attorney, Little Rock, Arkansas

OPINION/ORDER

On May 26, 2023, claimant filed Form AR-C, alleging a compensable injury on May 5, 2023. Claimant was represented at the time by Laura Beth York, who filed a Motion to Withdraw on September 26, 2023 and was allowed to withdraw on October 16, 2023. No other attorney entered an appearance on claimant's behalf.

On December 4, 2023, respondent filed a Motion to Dismiss, alleging that it had been more than six months since claimant filed his Form AR-C with the Commission, but he had not made a request for a hearing in that time. A hearing on respondent's Motion to Dismiss was scheduled for January 30, 2024. 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 9, 2024. Claimant did not respond to Respondent's motion and did not appear in person at the hearing on January 30, 2024.

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