

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

WCC NO. H306957

CHERIE BOLTON, Employee

CLAIMANT

MARCK INDUSTRIES, Employer

RESPONDENT

GALLAGHER BASSETT SERVICES, AMERICA Carrier/TPA

RESPONDENT

OPINION FILED NOVEMBER 5, 2024

Hearing before ADMINISTRATIVE LAW JUDGE ERIC PAUL WELLS in Russellville, Pope County, Arkansas.

Claimant not represented by counsel and not appearing at hearing.

Respondent represented by JON P. ROBINSON, Attorney at Law, Fort Smith, Arkansas.

STATEMENT OF THE CASE

This case comes on for review following a hearing on respondents' Motion to Dismiss.

On December 6, 2023, the claimant's attorney, Laura Beth York, filed an AR-C requesting various compensation benefits in which she alleged injuries to her right knee on or about October 16, 2023. The claim was denied in its entirety.

On May 10, 2024, Ms. York filed a Motion to Withdraw as Counsel, which the Full Commission granted on June 25, 2024. No further action was taken regarding this claim.

On August 20, 2024, the respondents filed a Motion to Dismiss requesting that this claim be dismissed for lack of prosecution. A hearing was scheduled for October 29, 2024. Notice of that hearing was sent to the claimant by certified mail, return receipt requested on September 26, 2024. United States Postal Department records indicate that claimant received and signed for the notice on September 30, 2024. Despite having received notice of the scheduled hearing, the

claimant failed to appear at the hearing and has failed to respond to the motion in any form or manner.

After my review of the respondents' Motion to Dismiss, the claimant's lack of response thereto, and all other matters properly before the Commission, I find that respondents' Motion to Dismiss this claim should be and hereby is granted pursuant to Commission Rule 099.13. This dismissal is without prejudice.

ORDER

Pursuant to the above statement of the case and Commission Rule 099.13, I have no alternative but to dismiss this claim in its entirety, without prejudice, for failure to prosecute.

If respondents have not already done so, they are directed to pay the court reporter, Veronica Lane, her fees and expenses within thirty (30) days of receipt of her invoice.

IT IS SO ORDERED.

**ERIC PAUL WELLS
ADMINISTRATIVE LAW JUDGE**