

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. **G602409**

JOHN BROWN, EMPLOYEE	CLAIMANT
FLEET TIRE SERVICE OF NORTH LITTLE ROCK, EMPLOYER	RESPONDENT#1
FEDERATED MUTUAL,INSURANCE CARRIER	RESPONDENT#1
DEATH & PERMANENT TOTAL DISABILITY TRUST FUND	RESPONDENT#2

OPINION/ORDER FILED **JANUARY 11, 2022**

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

Claimant is represented by JARID M. KINDER, Attorney, Ozark, Arkansas.

Respondents #1 are represented by ERIC NEWKIRK, Attorney, Little Rock, Arkansas.

Respondent #2 is represented by CHRISTY L.KING, Attorney, Little Rock, Arkansas (appearance waived)

OPINION/ORDER

On November 7, 2016, claimant filed Form AR-C, alleging a compensable injury on April 1, 2016. Claimant was represented at the time by Jarid M. Kinder, who remains his attorney of record and was excused from appearing at the hearing on this Motion to Dismiss.

On November 5, 2021, 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. Claimant's attorney advised the Commission he had no objection to the Motion to Dismiss and would not attend the hearing. A hearing on respondent's Motion to Dismiss was scheduled for January 4, 2022. 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 delivered to claimant

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on November 19, 2021 and was signed by George Brown. Claimant did not respond to respondent's motion and did not appear in person at the hearing on January 4, 2022.

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