

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

WCC NO. H301329

PATRICK BURTON, Employee	CLAIMANT
RUSSELLVILLE HAULING, Employer	RESPONDENT
INDEMNITY INS. CO. OF NORTH AMERICA, Carrier	RESPONDENT

OPINION FILED AUGUST 11, 2025

Hearing before ADMINISTRATIVE LAW JUDGE GREGORY K. STEWART in Russellville, Pope County, Arkansas.

Claimant not represented by counsel and not appearing at hearing.

Respondents represented by MELISSA WOOD, Attorney at Law, Little Rock, Arkansas.

STATEMENT OF THE CASE

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

On October 25, 2023, Form AR-C was filed by attorney Laura Beth York on claimant's behalf alleging a compensable injury on January 11, 2023. On March 20, 2024, the Full Commission entered an order granting attorney York's Motion to Withdraw as Counsel. Respondent subsequently filed a Motion to Dismiss on April 29, 2024.

Before the Motion to Dismiss could be addressed, attorney Eddie Walker filed a new AR-C on June 26, 2024, regarding claimant's alleged work injury of January 11, 2023. A prehearing conference was conducted and a hearing scheduled for September 26, 2024. The hearing was continued at the parties' request for the purpose of obtaining

additional evidence. When no further hearing was requested, respondent filed its second Motion to Dismiss on February 18, 2025.

Thereafter, on April 2, 2025, Attorney Walker filed a Motion to Withdraw. This motion was granted on May 7, 2025, and on that same date respondent filed its third Motion to Dismiss.

A hearing on respondent's Motion to Dismiss was scheduled for July 31, 2025, and notice of the hearing was sent to claimant by certified mail and delivered on June 10, 2025. Claimant did not appear at the hearing and has not responded to respondent's motion.

Pursuant to 11 CAR §25-110(d) (previously codified as Commission Rule 099.13), the Commission may enter an order dismissing a claim for want of prosecution. After my review of the Respondent's Motion, the Claimant's failure to respond thereto, and all other matters properly before the Commission, I find that Claimant has failed to prosecute this claim. Therefore, this claim is dismissed without prejudice.

IT IS SO ORDERED.

GREGORY K. STEWART
ADMINISTRATIVE LAW JUDGE