

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. H107464

KENNETH CARMICHAEL, Employee	CLAIMANT
TGI FRIDAYS, Employer	RESPONDENT
HANOVER INSURANCE COMPANY, Carrier	RESPONDENT

OPINION/ORDER FILED JUNE 29, 2022

Hearing before ADMINISTRATIVE LAW JUDGE GREGORY K. STEWART in Fort Smith, Sebastian County, Arkansas.

Claimant unrepresented and not appearing at the hearing.

Respondents represented by LAURA J. PEARCE, Attorney, Fort Smith, Arkansas.

OPINION/ORDER

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

On September 29, 2021, Attorney Cottrell filed Form AR-C requesting a hearing on compensation benefits. A pre-hearing conference was scheduled for December 1, 2021, but no hearing was scheduled pending claimant's deposition. Claimant's deposition was originally scheduled for November 23, 2021, but was rescheduled due to claimant's scheduling error. Claimant's deposition was rescheduled for December 2, 2021, but claimant did not appear. Attorney Cottrell eventually filed a motion to withdraw which was granted by order dated March 9, 2022.

No further action was taken and on May 2, 2022, respondent filed a Motion to Dismiss. A hearing was scheduled on the respondent's motion for June 20, 2022. Notice

of the hearing was sent to claimant at his last known address by certified mail and was delivered on May 11, 2022. Claimant did not appear at the hearing and has not responded to the respondent's Motion to Dismiss.

After my review of the respondent's motion, the claimant's failure to respond to the motion or to appear at the hearing, 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 it is without prejudice.

IT IS SO ORDERED.

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GREGORY K. STEWART  
ADMINISTRATIVE LAW JUDGE