

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. H403806

| | |
|---|------------|
| JIMMY CASE, Employee | CLAIMANT |
| CREATIVE DESIGN CONCEPTS, LLC, Employer | RESPONDENT |
| ACCIDENT FUND INS. CO., Carrier/TPA | RESPONDENT |

OPINION/ORDER FILED MARCH 3, 2025

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

Claimant not represented by counsel and not appearing at the hearing.

Respondents represented by KAREN H. MCKINNEY, Attorney, Little Rock, Arkansas.

OPINION/ORDER

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

Claimant filed Form AR-C alleging that he suffered a compensable injury in May 2024. Discovery was conducted by the parties with the respondent responding to claimant's discovery request, but claimant did not respond to the respondent's discovery request. A Motion to Withdraw as Claimant's Counsel was filed by attorney Mark Peoples and was granted by the Full Commission Order filed August 20, 2024. No further action has been taken in this claim and respondent filed its Motion to Dismiss on January 6, 2025.

A hearing was scheduled on the respondent's Motion to Dismiss for February 24, 2025. Notice of the hearing was sent to claimant by certified mail and was delivered on

January 29, 2025. Later that same date, claimant telephoned my assistant, Janie McGaugh, and indicated that he did not wish to proceed with his case. This conversation is reflected in a memo dated January 29, 2025, and admitted into the record as Commission Exhibit 2.

After my review of the respondent's motion, the claimant's response thereto, and 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.

GREGORY K. STEWART
ADMINISTRATIVE LAW JUDGE