

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. H300880

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| TRUYEN B. CHUNG, Employee | CLAIMANT |
| ABB MOTORS & MECHANICAL, Employer | RESPONDENT |
| GALLAGHER BASSETT SERVICES, Carrier/TPA | RESPONDENT |

OPINION/ORDER FILED MAY 8, 2024

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

Claimant not represented by counsel and not appearing at hearing.

Respondents represented by R. SCOTT ZUERKER, Attorney, Fort Smith, Arkansas.

OPINION/ORDER

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

On March 2, 2023, claimant filed Form AR-C alleging an injury on or about June 8, 2022. When no action was taken to prosecute the claim, respondent filed a Motion to Dismiss on September 26, 2023. In response to that motion, claimant's attorney at that time, Andy Caldwell, objected to the respondent's motion and requested a hearing. A hearing was scheduled on the claim for January 22, 2024, but was canceled after Mr. Caldwell filed a Motion to Withdraw. Mr. Caldwell's Motion to Withdraw was granted by Order filed January 17, 2024. Since that time, no further action has been taken by the claimant to prosecute his claim and as a result, respondent filed this second motion to dismiss on February 14, 2024.

A hearing on Respondent's Motion to Dismiss was scheduled for April 22, 2024. Notice of the hearing was sent to claimant by certified mail and was delivered on March 14, 2024. Claimant did not appear at the hearing and has not responded to the respondent's motion.

After my review of the respondent's motion, the claimant's failure to appear at the hearing or respond to the respondent's motion, 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