

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. H106652

JALEESA CLEARY, Employee	CLAIMANT
FIRSTSTAFF, INC., Employer	RESPONDENT
ZURICH AMERICAN INSURANCE COMPANY, Carrier	RESPONDENT

OPINION/ORDER FILED APRIL 25, 2022

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 RICK BEHRING, JR., Attorney, Little Rock, Arkansas.

OPINION/ORDER

This case comes on for review following a hearing on respondent's motion to dismiss.

On September 8, 2021, claimant filed Form AR-C requesting compensation benefits for an alleged injury to her right hand/wrist on July 19, 2021. At that time claimant was represented by Attorney Jarid Kinder. Respondent controverted the claim and engaged in discovery. Claimant did not respond to interrogatories and did not appear at a scheduled deposition on January 19, 2022.

Subsequently, by Order dated March 4, 2022, the Full Commission allowed Attorney Kinder to withdraw as claimant's counsel. Thereafter, on March 9, 2022 respondent filed a motion to dismiss this claim for failure to prosecute. A hearing was scheduled on the respondent's motion for April 18, 2022. Notice of the scheduled hearing

was sent to claimant at her last known address by certified mail and was delivered on March 26, 2022. 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