

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. H305736

LATONYA DENNEY, Employee

CLAIMANT

PILOT TRAVEL CENTERS LLC, Self-Insured Employer

RESPONDENT

OPINION/ORDER FILED JULY 29, 2024

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

Claimant represented by LAURA BETH YORK, Attorney, Little Rock, Arkansas; although not present at 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.

This claim involves an injury date of August 10, 2023. Respondent originally accepted a compensable injury to the claimant on that date, but after further investigation denied the claim by letter dated September 29, 2023. Thereafter, on November 14, 2023, Attorney Laura Beth York filed Form AR-C requesting compensation benefits. After the filing of that form, both parties propounded discovery on the other party. Respondent answered claimant's discovery requests on January 22, 2024. Claimant has not responded to the respondent's discovery request.

On May 2, 2024, claimant filed a change of physician request, but this was denied

due to the fact that respondent had controverted the claim. No further action was taken until respondent filed a Motion to Dismiss on May 15, 2024. A hearing was scheduled on the respondent's Motion to Dismiss for July 22, 2024. Notice of the hearing was sent to claimant by certified mail and was delivered on June 12, 2024. Claimant did not appear at the hearing. In addition, in a letter dated June 4, 2024, Attorney York indicated that claimant had no objection to the Motion to Dismiss without prejudice.

After my review of the respondent's motion, 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