

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. G703004

OVIDIO DUARTE, Employee	CLAIMANT
TYSON MEXICAN ORIGINAL, INC., Employer	RESPONDENT
TYNET, Carrier/TPA	RESPONDENT

OPINION/ORDER FILED FEBRUARY 24, 2021

Hearing before ADMINISTRATIVE LAW JUDGE GREGORY K. STEWART in Springdale, Washington County, Arkansas.

Claimant represented by EVELYN E. BROOKS, Attorney, Fayetteville, Arkansas; although not appearing at hearing.

Respondent represented by R. SCOTT ZUERKER, Attorney, Fort Smith, Arkansas; appearing at hearing by JAMES A. ARNOLD, II, Attorney, Fort Smith, Arkansas.

OPINION/ORDER

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

On June 11, 2019, claimant filed Form AR-C alleging a compensable injury on October 3, 2016. No hearing was requested and on December 31, 2019, respondent filed a motion to dismiss. It should be noted that claimant has a second workers' compensation claim which he is pursuing and is not the subject of this dismissal request.

Respondent recently renewed its motion to dismiss request, and a hearing was scheduled on respondent's motion for February 10, 2021. In an e-mail dated January 12, 2021, claimant's attorney indicated that claimant had no objection to the dismissal of this particular claim.

After my review of the respondent's motion, the claimant's agreement to dismissal, 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