

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. H001773

MICHAEL A. EHRLICH, Employee	CLAIMANT
TYSON POULTRY, INC., Employer	RESPONDENT
TYNET, Carrier/TPA	RESPONDENT

OPINION/ORDER FILED MARCH 1, 2021

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

Claimant not represented by counsel and not appearing at hearing.

Respondent represented by R. SCOTT ZUERKER, Attorney, Fort Smith, Arkansas; appearing at hearing by CALEB S. SUGG, Attorney, Fort Smith, Arkansas.

OPINION/ORDER

This case comes on for review following a hearing on respondent's motion to dismiss. On April 14, 2020, an AR-C was filed by Attorney Kinder alleging an injury to the claimant on January 25, 2020. On September 23, 2020, the Full Commission filed an order allowing Mr. Kinder to withdraw as attorney for the claimant. No further action was taken on this claim until respondent filed a Motion to Dismiss on January 7, 2021.

A hearing was scheduled on the respondent's Motion to Dismiss for February 22, 2021. Notice of the hearing was sent to claimant at his last known address by certified mail. That notice was returned as "unclaimed." Claimant did not appear at the hearing and has not responded to the respondent's motion or taken any other action to pursue his claim.

After my review of the respondent's motion, the claimant's failure to respond

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 A.C.A. §11-9-702(a)(4) and Commission Rule 099.13. This dismissal is without prejudice.

IT IS SO ORDERED.

GREGORY K. STEWART
ADMINISTRATIVE LAW JUDGE