

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION
AWCC CLAIM NOS.: G805123 & G807836**

TOMMY ELLISON, EMPLOYEE	CLAIMANT
FEDERAL EXPRESS CORPORATION, Self-Insured Employer	RESPONDENT NO. 1
SEDGWICK CLAIMS MANAGEMENT SERVICES, INC., TPA	RESPONDENT NO. 1
DEATH & PERMANENT DISABILITY TRUST FUND	RESPONDENT NO. 2

OPINION AND ORDER FILED OCTOBER 1, 2021

Hearing conducted before ADMINISTRATIVE LAW JUDGE TERRY DON LUCY, in Craighead County, Arkansas.

Counsel for the Claimant: *pro se*.

Counsel for Respondent No. 1: HONORABLE RICK BEHRING, JR.; Attorney at Law, Little Rock, Arkansas.

Counsel for Respondent No. 2: HONORABLE CHRISTY L. KING, Attorney at Law, Little Rock, Arkansas.

The above-captioned matters came on for a hearing on September 22, 2021, with respect to Respondents No. 1's Motion to Dismiss filed/renewed with the Commission on or about September 2, 2021. When the hall was sounded at the appointed time for the hearing, the Claimant was not present for such, nor did he appear during the ensuing proceedings. Respondent No. 1's Exhibit No. 1 was subsequently introduced into the record without objection. In addition, the Commission's file in this matter was deemed incorporated by reference into the record without objection for purposes of this Opinion and Order, and all previous Opinions and/or Orders issued in these matters are likewise deemed incorporated by reference herein and regarded as the law of the case.

The Commission's file, in conjunction with Respondent No. 1's Exhibit No. 1, reflects that the undersigned Administrative Law Judge entered an Order on July 27, 2021, which

granted Respondent No. 1's Motion to Compel with respect to its discovery requests, but held Respondent No. 1's pending Motion to Dismiss in abeyance, subject to renewal thereof, until September 1, 2021, pending the Claimant's compliance with the aforementioned Order. It is apparent from the Commission's file that the Claimant did not comply with the Order of July 27, 2021. Consequently, Respondent No. 1's Motion to Dismiss was renewed on September 2, 2021, and subsequently set for a hearing.

On the date of the hearing, the undersigned Administrative Law Judge was presented with correspondence from the Claimant dated September 17, 2021, and file-marked September 22, 2021, in which he stated that "I would like to dismiss any claims I have for workers' comp benefits. Can this be accomplished without me taking any further action. I have received legal pleadings and dealing with this is stressing me out."

Given the Claimant's obvious admission that he had received notice of the hearing and would prefer dismissal of his pending claims, along with his obvious failure to comply with the Commission's Order of July 27, 2021, I respectfully find that these matters should be, and hereby are, **dismissed with prejudice**, effective September 28, 2021, pursuant to Ark. Code Ann. §11-9-702 and, more particularly, Commission Rule 099.13. Respondent No. 1's request for sanctions is respectfully denied.

The above-captioned matters are respectfully dismissed with prejudice effective September 22, 2021, and Respondents No. 1 are ordered and directed to pay the court reporter's fee within thirty days of billing for such.

IT IS SO ORDERED.

TERRY DON LUCY
Administrative Law Judge