

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. H000579

EMANUEL ESTRADA, Employee	CLAIMANT
MCKEE FOODS CORPORATION, Employer	RESPONDENT
CCMSI, Carrier/TPA	RESPONDENT

OPINION/ORDER FILED APRIL 1, 2021

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

Claimant represented by WHITNEY JAMES, Attorney, Little Rock, Arkansas; although not present at hearing.

Respondent represented by CURTIS L. NEBBEN, Attorney, Fayetteville, Arkansas.

OPINION/ORDER

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

Claimant filed Form AR-C on January 29, 2020, requesting compensation benefits. Since that time, claimant has taken no action to pursue his claim and as a result, respondent filed a motion to dismiss on January 18, 2021. A hearing was scheduled on the respondent's motion to dismiss for March 24, 2021. Notice of the hearing was sent to claimant by certified mail and was delivered on February 24, 2021. In addition, in response to the respondent's motion, claimant's attorney by e-mail dated February 22, 2021 indicated that claimant did not object to a motion to dismiss without prejudice and waived appearance at the hearing.

After my review of the respondent's motion, the 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