

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

WCC NO. H301904

JACE GENTRY, Employee

CLAIMANT

EMERY SAPP & SONS, Employer

RESPONDENT

GALLAGHER BASSETT SERVICES, INC., Carrier/TPA

RESPONDENT

OPINION FILED NOVEMBER 21, 2023

Hearing before ADMINISTRATIVE LAW JUDGE ERIC PAUL WELLS in Fort Smith, Sebastian County, Arkansas.

Claimant not represented by counsel and not appearing at hearing.

Respondent represented by LEE MULDROW, Attorney at Law, Little Rock, Arkansas.

STATEMENT OF THE CASE

This case comes on for review following a hearing on respondents' Motion to Dismiss.

On March 22, 2023, the claimant filed an AR-C requesting various compensation benefits in which he alleged a heat-related cardiac injury on or about March 6, 2023. The claim was denied in its entirety. There has been no request for a hearing or additional activity by the claimant since the filing of the Form AR-C.

On July 20, 2023, the respondents filed a Motion to Dismiss requesting that this claim be dismissed for lack of prosecution. A hearing was scheduled for October 24, 2023. Notice of that hearing was sent to the claimant by certified mail, return receipt requested on September 6, 2023. United States Postal Department records indicate that claimant received and signed for the notice on September 8, 2023. Despite having received notice of the scheduled hearing, the claimant failed to appear at the hearing and has failed to respond to the motion in any form or manner.

After my review of the respondents' Motion to Dismiss, the claimant's lack of response thereto, and all other matters properly before the Commission, I find that respondents' Motion to Dismiss this claim should be and hereby is granted pursuant to Commission Rule 099.13. This dismissal is without prejudice.

ORDER

Pursuant to the above statement of the case and Commission Rule 099.13, I have no alternative but to dismiss this claim in its entirety, without prejudice, for failure to prosecute.

If respondents have not already done so, they are directed to pay the court reporter, Veronica Lane, her fees and expenses within thirty (30) days of receipt of her invoice.

IT IS SO ORDERED.

**ERIC PAUL WELLS
ADMINISTRATIVE LAW JUDGE**