

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

WCC NO. G700979

SALVADOR GONZALEZ, Employee	CLAIMANT
COMPASS GROUP USA, INC., Employer	RESPONDENT #1
NEW HAMPSHIRE INS. CO., Carrier/TPA	RESPONDENT #1
DEATH & PERMANENT TOTAL DISABILITY TRUST FUND	RESPONDENT #2

OPINION/ORDER FILED NOVEMBER 2, 2021

Hearing before ADMINISTRATIVE LAW JUDGE ERIC PAUL WELLS in Springdale, Washington County, Arkansas.

Claimant represented by EVELYN E. BROOKS, Attorney at Law, Fayetteville, Arkansas; although waiving appearance at the hearing.

Respondent #1 represented by RICK BEHRING, JR., Attorney at Law, Little Rock, Arkansas.

Respondent #2 represented by DAVID L. PAKE, Attorney at Law, Little Rock, Arkansas; although waiving appearance at hearing.

OPINION/ORDER

This case comes on for review following a hearing on respondent #1's Motion to Dismiss.

On May 15, 2017, claimant's attorney filed an AR-C requesting various compensation benefits. Thereafter, on April 17, 2020 respondent #1 filed its initial Motion to Dismiss. A hearing on that motion was held on August 4, 2020 and an Opinion was issued on November 2, 2020 dismissing the claim without prejudice pursuant to Commission Rule 099.13.

On July 13, 2020 respondent #1 filed its Second Motion to Dismiss and a hearing was scheduled for October 19, 2021. A copy of the August 27, 2021 hearing notice was sent to claimant and his attorney. Claimant's certified mail notice was returned to the Commission by the United States Post Office with the notation, "Not deliverable as addressed, unable to forward." On September 2, 2021, Attorney Brooks sent an e-mail to the Commission stating, "Dear Judge Wells: With your permission, I do not plan to

attend the hearing set for October 19. My client has no objection to a dismissal without prejudice. Thank you.” Neither claimant nor his attorney appeared at the dismissal hearing.

After my review of respondent #1s Motion to Dismiss, the claimant’s attorney’s response thereto indicating that claimant had no objection to the dismissal, and all other matters properly before the Commission, I find that respondent #1’s Motion to Dismiss this claim should be and hereby is granted pursuant to Commission Rule 099.13 and A.C.A. §11-9-702. This dismissal is without prejudice.

IT IS SO ORDERED.

HONORABLE ERIC PAUL WELLS
ADMINISTRATIVE LAW JUDGE