

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION**

**WCC NO. H001973**

MARIA GUTIERREZ, Employee	CLAIMANT
J.O. KELLY MIDDLE SCHOOL, Employer	RESPONDENT
ARKANSAS SCHOOL BOARDS ASSOCIATION, Carrier	RESPONDENT

**OPINION/ORDER FILED AUGUST 24, 2021**

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

Claimant not represented by counsel and not appearing at hearing.

Respondent represented by JAMES A. ARNOLD, II, Attorney at Law, Fort Smith, Arkansas.

**OPINION/ORDER**

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

On April 10, 2020, claimant's previous attorney, Kolton Jones, filed a Form AR-C requesting various compensation benefits. Mr. Jones subsequently filed a Motion to Withdraw on December 18, 2020 and the Full Commission granted that Motion on January 15, 2021. On May 14, 2021, respondents filed a Motion to Dismiss requesting that this claim be dismissed for lack of prosecution. A Notice of Hearing was mailed to the parties on July 7, 2021 notifying them that a hearing on respondents' Motion to Dismiss was scheduled for August 17, 2021. The claimant's notice was mailed to her by certified mail. The United States Postal Service proof of service log indicates the notice was received by claimant on July 9, 2021. Claimant failed to appear at the scheduled hearing.

At the time of the hearings the respondents asserted that since the filing of the Form AR-C, no further action has been taken to pursue this claim. Respondents noted that claimant's prior attorney indicated that he had lost contact with his client and was unable to reach her in any manner, resulting in his Motion to Withdraw and Order allowing that withdrawal by the Full Commission on January 15, 2021. There has been no further activity of any kind by the claimant to pursue her claim.

After my review of respondents' Motion to Dismiss, the claimant's lack of response thereto and her failure to appear at the scheduled hearing, as well as 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.

**IT IS SO ORDERED.**

---

HONORABLE ERIC PAUL WELLS  
ADMINISTRATIVE LAW JUDGE