

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. G908094

BRIAN HAUSBACK, Employee	CLAIMANT
HARRIS BOAT DOCK CONSTRUCTION, Employer	RESPONDENT
AMTRUST NORTH AMERICA, Carrier/TPA	RESPONDENT

OPINION/ORDER FILED JANUARY 26, 2021

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

Claimant represented by EVELYN E. BROOKS, Attorney, Fayetteville, Arkansas; although not appearing at hearing.

Respondents represented by WILLIAM C. FRYE, Attorney, No. Little Rock, Arkansas.

OPINION/ORDER

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

Claimant filed Form AR-C on December 12, 2019 regarding a date of accident of December 6, 2019. The respondent accepted the claim as compensable and paid some compensation benefits. No further action was taken in the claimant and respondent by e-mail requested dismissal of the claimant. A hearing was scheduled on respondent's motion for January 13, 2021. Notice of the hearing was sent to claimant at his last known address by certified mail. That notice was returned as "Not Deliverable." In addition, claimant's attorney, Ms. Brooks, has indicated by e-mail dated September 8, 2020 that she has made numerous attempts to contact her client without success. She indicated that she had no objection to the motion to dismiss without prejudice and would not attend

the hearing.

After my review of the respondent's motion, the claimant's failure to appear or to remain in contact with his attorney, as well as 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