

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. H001977

KIMBERLY HERNANDEZ, Employee	CLAIMANT
ADVANTAGE RESOURCING, Employer	RESPONDENT
ACE INA GROUP/CCMSI, Carrier	RESPONDENT

OPINION/ORDER FILED DECEMBER 17, 2021

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

Claimant not represented by counsel and not appearing at hearing.

Respondents represented by CAROL WORLEY, Attorney, Little Rock, Arkansas.

OPINION/ORDER

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

On April 10, 2020, claimant filed Form AR-C requesting compensation benefits in connection with an injury on February 28, 2020. Following that filing, the parties reached a tentative settlement agreement but claimant chose not to proceed. On October 13, 2020, respondent filed a motion to dismiss and claimant objected. In a letter dated November 3, 2020, claimant was sent a pre-hearing questionnaire to be completed, but she failed to do so. No further action was taken and respondent filed another motion to dismiss on May 3, 2021.

Claimant again objected to the motion and a hearing was scheduled for June 23, 2021. Claimant objected to the dismissal and again requested compensation benefits. A

pre-hearing conference was conducted on June 24, 2021, and a hearing was scheduled on the merits for August 11, 2021. That hearing was rescheduled for September 8 at the claimant's request. Thereafter, claimant sent an e-mail requesting additional time to obtain counsel. No further action was taken and the hearing was rescheduled for December 1, 2021. Claimant indicated that she could not appear at the December 1, 2021 hearing and it was rescheduled for December 8, 2021. Prior to that hearing on November 3, 2021, claimant indicated that she could not attend the hearing and would request the closing of her case.

Respondent subsequently filed another motion to dismiss and a hearing on that dismissal was scheduled for December 8, 2021. Notice of the hearing was sent to claimant by certified mail and was delivered on October 28, 2021. Claimant did not appear at the hearing.

After my review of the respondent's motion, the claimant's e-mail dated November 3, 2021 indicating that she was requesting that her case be closed, 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 without prejudice and it is pursuant to Commission Rule 099.13.

IT IS SO ORDERED.

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GREGORY K. STEWART  
ADMINISTRATIVE LAW JUDGE