

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION  
CLAIM NO.: H007067**

VALERIA IDROGO, Employee	CLAIMANT
WAL-MART ASSOCIATES, INC., Self-Insured Employer	RESPONDENT
WAL-MART CLAIMS SERVICES., TPA	RESPONDENT

**OPINION AND ORDER FILED MAY 11, 2021**

Hearing conducted before ADMINISTRATIVE LAW JUDGE TERRY DON LUCY, in Pulaski County, Arkansas.

Counsel for the Claimant: *pro se*.

Counsel for the Respondents: Honorable R. Scott Zuerker; Attorney at Law, Fort Smith, Arkansas.

The above-captioned matter came on for a hearing on May 4, 2021, with respect to the Respondents' Motion to Dismiss filed with the Commission on March 29, 2021. Both the *pro se* Claimant and Counsel for the Respondents appeared for such at the appointed time. During the ensuing the proceedings, the Commission's file was deemed incorporated by reference into the record without objection from either appearing party.

The Commission's file reflects that the Claimant filed two Forms AR-C on September 28, 2020, by way of Counsel who was subsequently allowed to withdraw from representation by way of a Full Commission Opinion and Order filed on December 22, 2020. According to the Commission's file and testimony taken during the hearing held on May 4, 2021, no hearing request has been made with respect to the Claimant's AR-C filings of September 28, 2020.

Following the Respondents' Motion to Dismiss filed on March 29, 2021, the Claimant provided electronic correspondence to the Commission dated April 16, 2021, which reflected that she "would like to dismiss the case." Nonetheless, out of an abundance of caution, the above-captioned matter was set for a hearing at which the Claimant appeared and during which

she confirmed her electronic correspondence sent to the Commission on April 16, 2021. The Claimant further confirmed that she still had no objection to the Respondent's Motion being granted without prejudice. I note that the Claimant presented as an impressive and entirely credible witness.

Given the Claimant's agreement with the Respondents' Motion and lack of objection thereto, I specifically find that dismissal of this matter without prejudice is warranted pursuant to Ark. Code Ann. §11-9-702 and Commission Rule 099.13 for lack of prosecution, and hereby grant the Respondents' Motion.

The above-captioned matter is respectfully dismissed without prejudice effective May 4, 2021, and the Respondents are ordered and directed to pay the court reporter's fee within thirty days of billing for such.

IT IS SO ORDERED.

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TERRY DON LUCY  
Administrative Law Judge