

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

WCC NO. H303953

CYNTHIA JOSLUN, Employee

CLAIMANT

BUTTERBALL, LLC, Employer

RESPONDENT

CCMSI, Carrier

RESPONDENT

OPINION/ORDER FILED JULY 30, 2024

Hearing before ADMINISTRATIVE LAW JUDGE ERIC PAUL WELLS, in Fort Smith, Sebastian County, Arkansas.

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

Respondent represented by ZACHARY RYBURN, Attorney, Little Rock, Arkansas.

OPINION/ORDER

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

On June 22, 2023, Evelyn E. Brooks, claimant's attorney, filed a Form AR-C requesting various compensation benefits; however, no hearing was requested. No further action was taken in this claim.

On February 29, 2024, the respondents filed a Motion to Dismiss requesting that this claim be dismissed for lack of prosecution. A hearing was scheduled for June 18, 2024. Notice of that hearing was sent to the claimant by certified mail, return receipt requested on May 15, 2024. That notice was returned by the United States Postal Department with the notation, "Return to Sender. Unclaimed. Unable to Forward." Ms. Brooks indicated by email on June 16, 2024, that she would waive her appearance at the hearing and further indicated that she had no objection to the Motion to Dismiss "WITHOUT prejudice."

After my review of respondent's Motion to Dismiss, Ms. Brooks' response thereto that she had no objection to the motion to dismiss without prejudice, and the claimant's failure to appear at the scheduled hearing, 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 pursuant to A.C.A. §11-9-702(a)(4). This dismissal is without prejudice.

IT IS SO ORDERED.

**HONORABLE ERIC PAUL WELLS
ADMINISTRATIVE LAW JUDGE**