

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. **H007805**

BALIN KLIPP, EMPLOYEE	CLAIMANT
PACE INDUSTRIES LLC, EMPLOYER	RESPONDENT
SENTRY INSURANCE, INSURANCE CARRIER	RESPONDENT

OPINION/ORDER FILED JULY 13, 2021

Hearing before ADMINISTRATIVE LAW JUDGE JOSEPH C. SELF, in Springdale, Washington County, Arkansas.

Claimant is pro se, failed to appear at hearing.

Respondents represented by JAMES A. ARNOLD II, Attorney, Fort Smith, Arkansas.

OPINION/ORDER

On October 14, 2020, claimant filed Form AR-C, alleging a compensable injury on September 25, 2020. Claimant was represented at the time by Attorney Whitney James. On March 17, 2021, Ms. James requested to be allowed to withdraw as claimant's counsel, and in an order entered March 31, 2021, the Full Commission granted that motion to withdraw. To date, no other attorney entered an appearance on claimant's behalf.

On April 26, 2021, Respondent filed a Motion to Dismiss, alleging that it had been more than six months since claimant filed his Form AR-C with the Commission, but he had not made a request for a hearing in that time. A hearing on Respondent's Motion to Dismiss was scheduled for June 24, 2021. Notice of the scheduled hearing was sent to Claimant by certified mail at the last address in the Commission's file. The notice was returned unclaimed on May 28, 2021. Respondent represented that it sent a copy of the Motion to Dismiss to claimant's last known address by regular mail and did

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not receive anything back indicating claimant did not receive that mailing. Claimant did not respond to Respondent's motion and did not appear in person at the hearing on June 24, 2021.

I find it has been more than six months since prior to this hearing and that no request for a hearing has been made in this file. After my review of the Respondent's motion, the Claimant's lack of response and failure to attend the hearing for the Respondent's motion, 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 is without prejudice.

IT IS SO ORDERED.

JOSEPH C. SELF
ADMINISTRATIVE LAW JUDGE