

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

WCC NO. H500021

SEAN KURZ, Employee	CLAIMANT
FAMILY DOLLAR STORES, Employer	RESPONDENT
SEDWICK CLAIMS MANAGEMENT, Carrier	RESPONDENT

OPINION FILED SEPTEMBER 24, 2025

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 MELISSA WOOD, Attorney at Law, Little Rock, Arkansas.

STATEMENT OF THE CASE

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

Respondent accepted as compensable an injury to claimant's ankle on May 2, 2024. The claim was accepted as a medical only claim. Thereafter, claimant apparently moved to Utah and received some medical treatment which respondent has not accepted. On January 2, 2025, claimant filed Form AR-C requesting various compensation benefits.

Since the filing of the AR-C, no hearing has been requested and no other action has been taken by claimant to proceed with his claim. On July 10, 2025, respondents filed a Motion to Dismiss alleging, in part, that claimant had failed to prosecute his claim

and requesting a dismissal pursuant to 11 CAR § 25-110 (d). That rule provides that upon application by either party for a dismissal for failure to prosecute, the Commission may, after reasonable notice to all parties, enter an order dismissing the claim.

A hearing was scheduled on respondents' Motion to Dismiss for September 17, 2025. Notice of the hearing was sent to claimant by certified mail and delivered on August 12, 2025. Claimant did not appear at the hearing and has not responded to respondents' motion.

After my review of respondents' motion, claimant's failure to appear at the hearing and his failure to respond to respondents' motion, I find that respondents' motion to dismiss this claim should be and here by is granted for failure to prosecute the claim. This dismissal is without prejudice.

IT IS SO ORDERED.

GREGORY K. STEWART
ADMINISTRATIVE LAW JUDGE