

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. G108702

JANICE MCKINNEY-FOSTER, Employee	CLAIMANT
MCDONALD'S, INC., Employer	RESPONDENT #1
RISK MANAGEMENT RESOURCES, Carrier	RESPONDENT #1
DEATH & PERMANENT TOTAL DISABILITY TRUST FUND	RESPONDENT #2

OPINION/ORDER FILED APRIL 14, 2021

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

Claimant represented by MARK FREEMAN, Attorney, Fayetteville, Arkansas; although not present at hearing.

Respondent #1 represented by CURTIS L. NEBBEN, Attorney, Fayetteville, Arkansas.

Respondent #2 represented by CHRISTY KING, Attorney, Little Rock, Arkansas; although not present at hearing.

OPINION/ORDER

This case comes on for review following a hearing on respondent #1's motion to dismiss.

On November 24, 2015, claimant filed Form AR-C requesting various compensation benefits. A hearing was conducted on May 17, 2017, regarding claimant's entitlement to permanent total disability benefits. In an Opinion filed November 7, 2017, the Full Commission found the claimant was entitled to benefits for a loss in wage earning capacity in an amount equal to 6% to the body as a whole. No further action has been taken since the filing of that opinion.

On February 23, 2021, respondent #1 filed a motion to dismiss. A hearing was

scheduled on the respondent's motion to dismiss for April 7, 2021. Notice of the hearing was sent to claimant at her last known address by certified mail and was returned to the Commission. In response to the respondent's motion, claimant's attorney indicated that he had no objection to dismissal of the claim due to the passing of the claimant and would waive his right to attend the hearing.

After my review of respondent #1's motion, the claimant's response thereto, and all other matters properly before the Commission, I find that respondent #1's motion to dismiss this claim should be and hereby is granted. This dismissal is pursuant to Commission Rule 099.13 and it is without prejudice.

IT IS SO ORDERED.

GREGORY K. STEWART
ADMINISTRATIVE LAW JUDGE