

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

WCC NO. H300316

CELIA MENDEZ, Employee	CLAIMANT
DILLMEIER ENTERPRISES, INC., Employer	RESPONDENT
TRAVLERS INDEMNITY CO., Carrier	RESPONDENT

OPINION FILED OCTOBER 15, 2025

Hearing before ADMINISTRATIVE LAW JUDGE GREGORY K. STEWART in Fort Smith, Sebastian County, Arkansas.

Claimant represented by EVELYN E. BROOKS, Attorney at Law, Fayetteville, Arkansas; though not appearing at hearing.

Respondents represented by AMY C. MARKHAM, 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.

Claimant suffered an injury which was accepted by the respondent as compensable, and some compensation benefits were paid. On April 26, 2024, Form AR-C was filed requesting additional compensation benefits. Since that time no hearing has been requested and as a result respondent filed a motion to dismiss the claim on December 23, 2024. Eventually, a hearing was scheduled on the respondent's Motion to Dismiss for September 29, 2025. Notice of the hearing was sent to claimant by certified mail and was returned as "Unclaimed".

By email dated August 12, 2025, Ms. Brooks indicated the claimant had no objection to the dismissal and neither she nor the claimant would attend the hearing unless required. Permission not to appear was given to Ms. Brooks and the claimant.

Pursuant to 11 CAR § 25-110(d), upon meritorious application to the Commission from a party requesting that the claim be dismissed for want of prosecution, the Commission may, upon reasonable notice to all parties, enter an order dismissing the claim for want of prosecution.

After my review of respondents' motion, claimant's indication that she has no objection to the dismissal, as well as all other matters properly before the Commission, I find that respondents' motion to dismiss this claim should be and hereby is granted. This dismissal is pursuant to 11 CAR § 25-110(d) and it is without prejudice.

IT IS SO ORDERED.

GREGORY K. STEWART
ADMINISTRATIVE LAW JUDGE