

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. G903809

SANDRA MENDEZ, Employee	CLAIMANT
TYSON MEXICAN ORIGINAL, INC., Employer	RESPONDENT
TYNET, Carrier/TPA	RESPONDENT

OPINION/ORDER FILED FEBRUARY 1, 2021

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

Claimant not represented by counsel and not appearing at hearing.

Respondent represented by R. SCOTT ZUERKER, Attorney, Fort Smith, Arkansas.

OPINION/ORDER

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

On July 8, 2019, claimant filed Form AR-C alleging a compensable injury on June 1, 2019. A hearing was subsequently scheduled on that claim for October 9, 2019, but was canceled at claimant's request. No further action was taken until respondent filed a motion to dismiss on March 20, 2020. Subsequently, claimant's attorney filed a motion to withdraw as counsel. This motion was granted by the Full Commission on October 13, 2020.

A hearing on respondent's motion to dismiss was eventually scheduled for January 20, 2021. Notice of the scheduled hearing was sent to claimant by certified mail and was delivered on December 28, 2020. Claimant did not appear at the hearing and has not

responded to the respondent's motion.

After my review of the respondent's motion, the claimant's failure to appear or to respond to 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 it is without prejudice.

IT IS SO ORDERED.

GREGORY K. STEWART
ADMINISTRATIVE LAW JUDGE