

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

WCC NO. H205005

SIMON MOONEY, Employee

CLAIMANT

FAST LANE ENTERTAINMENT, Employer

RESPONDENT

SUMMIT CONSULTING, Carrier/TPA

RESPONDENT

OPINION FILED MAY 23, 2023

Hearing before ADMINISTRATIVE LAW JUDGE ERIC PAUL WELLS in Springdale, Washington County, Arkansas.

Claimant not represented by counsel and not appearing at hearing.

Respondent represented by JASON M. RYBURN, Attorney at Law, Little Rock, Arkansas.

STATEMENT OF THE CASE

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

On July 13, 2022, the claimant filed an AR-C requesting various compensation benefits in which he alleged an injury to his index finger. The claim was accepted as medical only. There has been no request for a hearing or additional activity by the claimant since the filing of the Form AR-C.

On February 20, 2022, the respondents filed a Motion to Dismiss requesting that this claim be dismissed for lack of prosecution. A hearing was scheduled for May 9, 2023. Notice of that hearing was sent to the claimant by certified mail, return receipt requested on March 24, 2023. United States Postal Department records indicate that claimant received and signed for the notice on March 30, 2023. Despite having received notice of the scheduled hearing, the claimant failed to appear at the hearing and has failed to respond to the motion in any form or manner.

After my review of the respondents' Motion to Dismiss, the claimant's lack of response thereto, and all other matters properly before the Commission, I find that respondents' Motion to Dismiss this claim should be and hereby is granted pursuant to Commission Rule 099.13. This dismissal is without prejudice.

ORDER

Pursuant to the above statement of the case and Commission Rule 099.13, I have no alternative but to dismiss this claim in its entirety, without prejudice, for failure to prosecute.

If respondents have not already done so, they are directed to pay the court reporter, Whitney Bryant, her fees and expenses within thirty (30) days of receipt of her invoice.

IT IS SO ORDERED.

HONORABLE ERIC PAUL WELLS
ADMINISTRATIVE LAW JUDGE