

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. **G803742**

DORIS D. MUNOZ, EMPLOYEE

CLAIMANT

TYSON POULTRY INC., SELF-INSURED EMPLOYER

RESPONDENT

OPINION/ORDER FILED **DECEMBER 7, 2021**

Hearing before ADMINISTRATIVE LAW JUDGE JOSEPH C. SELF, in Springdale, Washington County, Arkansas.

Claimant is represented by JASON M. HATFIELD, Attorney, Springdale, Arkansas.

Respondents are represented by R. SCOTT ZUERKER, Attorney, Fort Smith, Arkansas

OPINION/ORDER

On February 7, 2019, claimant filed Form AR-C, alleging a compensable injury on April 20, 2018. Claimant was represented at the time by Jason M. Hatfield, who remained her attorney of record through the hearing on this matter on November 4, 2021.

On July 28, 2021, respondent filed a Motion to Dismiss, alleging that it had been more than six months since claimant filed her Form AR-C with the Commission, but she had not made a request for a hearing in that time. A hearing on respondent's Motion to Dismiss was scheduled for November 4, 2021. Notice of the scheduled hearing was sent to claimant by certified mail at the last known address in the Commission's file. The notice was delivered to claimant on September 16, 2021. Claimant did not respond to respondent's motion and did not appear in person at the hearing on November 4, 2021.

Mr. Hatfield voiced opposition to the Motion to Dismiss, as he was concerned that granting this motion without prejudice would have the effect of ending the claim, as the date of injury was more than two years prior to the hearing. I believe Mr. Hatfield is correct that this matter would now

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be barred by the statute of limitation, but claimant did receive notice of the hearing. I noted that Mr. Hatfield has had the same address and telephone number during the time he was representing claimant, and she did not contact his office after receiving the notice.

I find it has been more than six months since prior to this hearing on respondent's Motion to Dismiss and that no request for a hearing on this claim has been made in this file. After my review of the respondent's motion, the claimant's lack of personal response and failure to attend the hearing for 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 is without prejudice.

IT IS SO ORDERED.

JOSEPH C. SELF
ADMINISTRATIVE LAW JUDGE