

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. H108619

ALEJANDRO NAVARRO, Employee	CLAIMANT
CAPSTONE REAL ESTATE INVESTMENT, LLC, Employer	RESPONDENT
TRAVELERS PROPERTY & CASUALTY, Carrier	RESPONDENT

OPINION/ORDER FILED SEPTEMBER 7, 2022

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

Claimant not represented by counsel and not appearing at hearing.

Respondents represented by GUY ALTON WADE, Attorney, Little Rock, Arkansas.

OPINION/ORDER

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

Claimant suffered a compensable injury to his low back on January 26, 2021. Respondent paid claimant some compensation benefits and claimant was released to full duty work in May 2021. Subsequent to that release the parties entered into a joint petition and a joint petition hearing was scheduled for November 30, 2021. Prior to that scheduled hearing claimant moved out of state to Nevada and the parties agreed to submit the joint petition through interrogatories. Although respondent sent the joint petition documents to the claimant for completion, those documents were not returned by the claimant. Claimant has not taken any further action to prosecute his claim or to proceed with the joint petition.

As a result, respondent filed this Motion to Dismiss on June 13, 2022. A hearing was scheduled on the respondent's motion for August 30, 2022. Notice of the hearing was sent to claimant at his last known address by certified mail and was returned as "unclaimed." 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 respond thereto, and 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 without prejudice and is pursuant to Commission Rule 099.13.

IT IS SO ORDERED.

GREGORY K. STEWART
ADMINISTRATIVE LAW JUDGE