

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION
AWCC CLAIM NO.: H002578**

JAMES D. NELLIS (DECEASED), Employee	CLAIMANT
CITY OF LITTLE ROCK, Self-Insured Employer	RESPONDENT
RISK MANAGEMENT RESOURCES, TPA	RESPONDENT

OPINION AND ORDER FILED OCTOBER 19, 2021

Hearing conducted before Administrative Law Judge Terry Don Lucy, in Pulaski County, Arkansas.

Counsel for the Claimant: Honorable Ray Baxter, Attorney at Law, Benton, Arkansas.

Counsel for the Respondents: Honorable Melissa Wood; Attorney at Law, Little Rock, Arkansas.

The above-captioned matter came on for a hearing on October 6, 2021, with respect to the Respondents' Motion to Dismiss filed with the Commission on September 16, 2021, pursuant solely to Rule 099.13 of the Arkansas Workers' Compensation Commission. When the hall was sounded at the appointed time for the hearing, neither the decedent Claimant's personal representative nor his Counsel were present for such, nor did either appear during the ensuing proceedings. The Commission's file in this matter was deemed incorporated by reference into the record without objection for purposes of this Opinion and Order, as was Respondents' Exhibit No. 1. (TR 4-5)

The Commission's file reflects that Counsel for the Claimant, via electronic mail sent to the Commission and opposing counsel on September 20, 2021, advised in the affirmative of his availability for the hearing scheduled for October 6, 2021. Given the subsequent lack of appearance by any representative on behalf of the Claimant at the hearing, and upon consideration of the record submitted, I find that dismissal of this matter without prejudice is warranted pursuant to Rule 099.13 of the Arkansas Workers' Compensation Commission and the

Nellis -- H002578

Respondents' Motion is hereby granted without prejudice. This matter will be returned to the Commission's open general files and no further action will be taken unless the Clerk of the Commission is advised, in writing, of an additional hearing request.

The above-captioned matter is respectfully dismissed without prejudice effective October 19, 2021, and the Respondents are ordered and directed to pay the court reporter's fee within thirty days of billing for such pursuant to Rule 099.20 of the Arkansas Workers' Compensation Commission.

IT IS SO ORDERED.

TERRY DON LUCY
Administrative Law Judge