

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. **H207528**

RUSTY L. RISNER, EMPLOYEE	CLAIMANT
RITE OF PASSAGE INC., EMPLOYER	RESPONDENT
ESIS INC./INSURANCE CARRIER	RESPONDENT

OPINION/ORDER FILED **SEPTEMBER 25, 2023**

Hearing before ADMINISTRATIVE LAW JUDGE JOSEPH C. SELF, in Fort Smith, Sebastian County, Arkansas.

Claimant is not represented and did not appear at the hearing.

Respondents are represented by ERIC NEWKIRK, Attorney, Little Rock, Arkansas

OPINION/ORDER

On November 28, 2022, claimant filed Form AR-C, alleging a compensable injury on July 26, 2022. Claimant was represented at the time by Laura Beth York, who filed a Motion to Withdraw on February 9, 2023 and was allowed to withdraw on February 21, 2023. No other attorney entered an appearance on claimant's behalf.

On August 2, 2023, respondent filed a Motion to Dismiss, alleging that it had been more than six months since claimant filed his Form AR-C with the Commission, but he had not made a request for a hearing in that time. A hearing on respondent's Motion to Dismiss was scheduled for September 19, 2023. 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 returned unclaimed on September 8, 2023. Claimant did not respond to Respondent's motion and did not appear in person at the hearing on September 19, 2023.

I find it has been more than six months since prior to this hearing and that no request for a

Risner-H207528

hearing has been made in this file. After my review of the Respondent's motion, the Claimant's lack of 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