

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

WCC NO. G707152

JUAN RIVAS, Employee	CLAIMANT
WASTE MANAGEMENT, Employer	RESPONDENT
ESIS, INC., Carrier/TPA	RESPONDENT

OPINION/ORDER FILED JANUARY 5, 2021

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

Claimant represented by EVELYN E. BROOKS, Attorney at Law, Fayetteville, Arkansas; waived appearance.

Respondents represented by MELISSA WOOD, Attorney at Law, Little Rock, Arkansas.

OPINION/ORDER

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

On October 25, 2018, claimant's attorney filed an AR-C requesting various compensation benefits for the claimant. On September 29, 2020, respondents filed a Motion to Dismiss requesting that this claim be dismissed for lack of prosecution. On October 22, 2020, a Notice of Hearing was mailed to the parties setting this matter for a dismissal hearing on December 1, 2020. The claimant's notice was mailed to him at his last known mailing address by certified and regular mail. The United States Postal Service proof of service log indicates that the claimant received his notice on October 24, 2020. The Commission received an email from Ms. Brooks on October 21, 2020 stating that her client had no objection to his claim being dismissed without prejudice. By email dated October 22, 2020, Ms. Brooks advised that she would waive her appearance at the hearing and that she did not expect for the claimant to attend the hearing.

After my review of respondents' Motion to Dismiss, the claimant's 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.

IT IS SO ORDERED.

HONORABLE ERIC PAUL WELLS
ADMINISTRATIVE LAW JUDGE