

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. **H009741**

CHERYL SCOTT, EMPLOYEE

CLAIMANT

SHANE SMITH ENTERPRISES INC., EMPLOYER

RESPONDENT

ACCIDENT FUND INSURANCE, INSURANCE CARRIER

RESPONDENT

OPINION/ORDER FILED JULY 23, 2021

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

Claimant is pro se, failed to appear at hearing.

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

OPINION/ORDER

On November 30, 2020, claimant filed Form AR-C, alleging a compensable injury on August 31, 2020. Claimant was represented at the time by Attorney Kolton Jones. Attorney Whitney James assumed representation of claimant after Mr. Jones left his employment at Rainwater, Holt and Sexton. On April 23, 2021, Ms. James requested to be allowed to withdraw as claimant's counsel, and in an order entered May 11, 2021, the Full Commission granted that motion to withdraw. To date, no other attorney entered an appearance on claimant's behalf.

On April 15, 2021, Respondent filed a Motion to Dismiss, alleging lack of prosecution. A hearing on Respondent's Motion to Dismiss was scheduled for July 22, 2021. Notice of the scheduled hearing was sent to claimant by certified mail at the last address in the Commission's file. The notice was delivered on June 3, 2021. Claimant did not respond to Respondent's motion and did not appear in person at the hearing on July 22, 2021.

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

H009741- SCOTT

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