

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

WCC NO. H000432

CHESTER SCOTT, Employee	CLAIMANT
HILAND DAIRY FOODS CO., LLC, Employer	RESPONDENT
INDEMNITY INSURANCE CO. OF NORTH AMERICA, Carrier	RESPONDENT

OPINION/ORDER FILED SEPTEMBER 1, 2021

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

Claimant represented by LAURA BETH YORK, Attorney at Law, Little Rock, Arkansas; although waiving appearance at the hearing.

Respondents represented by KAREN H. MCKINNEY, Attorney at Law, Little Rock, Arkansas.

OPINION/ORDER

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

This claim involves an injury on January 15, 2020, when the claimant sustained a compensable injury to his left hip. Respondents filed the First Report of Injury and Form AR-2 on January 23, 2020 accepting the claim as compensable. Thereafter, claimant filed Form AR-C on February 7, 2020 requesting both initial and additional benefits. The claimant was released at maximum medical improvement and was assessed a 2% impairment to the body as a whole and was released to regular duty on December 17, 2020. Claimant has returned to work with the respondent employer.

On May 10, 2021, respondents filed their Motion to Dismiss alleging that there are no justiciable issues and all benefits have been paid at this time. Claimant has not requested a hearing in the past six months, and respondents request dismissal of this claim. A hearing was set on the respondents' motion for August 17, 2021, and notice of the hearing was sent to the parties on June 17, 2021. On June 15, 2021, claimant's attorney indicated that while she did object to the dismissal, she waived her appearance at the hearing. It should be noted that claimant did appear at the hearing, but after allowing him the

opportunity to speak with his attorney on the telephone, he left the office. Claimant's attorney thereafter sent an additional e-mail to the Court following that conversation indicating that claimant was withdrawing his objection to the Motion to Dismiss.

After my review of respondents' Motion to Dismiss, the claimant's response thereto indicating that there was no objection to the Motion to Dismiss, 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