

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION**

**WCC NO. H100360**

<b>CHRISTINA SHAVER, Employee</b>	<b>CLAIMANT</b>
<b>TYSON POULTRY, INC., Employer</b>	<b>RESPONDENT</b>
<b>TYNET, Carrier/TPA</b>	<b>RESPONDENT</b>

**OPINION/ORDER FILED DECEMBER 14, 2021**

Hearing before ADMINISTRATIVE LAW JUDGE ERIC PAUL WELLS, in Fort Smith, Sebastian County, Arkansas.

Claimant not represented by counsel and not appearing at hearing.

Respondent represented by ELIZABETH SINGER, Attorney, Little Rock, Arkansas.

**OPINION/ORDER**

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

On January 11, 2021, claimant's previous attorney, Laura Beth York, filed an AR-C requesting various compensation benefits. No hearing was requested, and on September 15, 2021, the Full Commission entered an Order allowing Ms. York to withdraw as counsel. Thereafter, on September 28, 2021, respondent filed a Motion to Dismiss requesting that this claim be dismissed for lack of prosecution. A hearing was scheduled for December 2, 2021, and notice of said hearing was sent to claimant at her last known address by certified mail on October 7, 2021. That certified mail notice was returned to the Commission by the Post Office with a notation "Return to Sender. Unclaimed. Unable to Forward."

After my review of respondent's Motion to Dismiss, the claimant's lack of response thereto and her failure to appear at the scheduled hearing, 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 pursuant to Commission Rule 099.13. This dismissal is without prejudice.

**IT IS SO ORDERED.**

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**HONORABLE ERIC PAUL WELLS  
ADMINISTRATIVE LAW JUDGE**