

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. G908031

KENNETH SHAW, Employee

CLAIMANT

FEDEX FREIGHT, Employer

RESPONDENT

SEDGWICK CLAIMS MANAGEMENT, Carrier/TPA

RESPONDENT

OPINION FILED JANUARY 12, 2022

Hearing before ADMINISTRATIVE LAW JUDGE GREGORY K. STEWART in Fort Smith, Sebastian County, Arkansas.

Claimant not represented by counsel and not present at hearing.

Respondents represented by MICHAEL E. RYBURN, Attorney, Little Rock, Arkansas.

OPINION/ORDER

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

Claimant suffered an admittedly compensable injury to his cervical spine on November 27, 2019. Respondent paid compensation benefits, including a 9% impairment rating. Claimant filed Form AR-C on September 8, 2020, requesting payment of compensation benefits. No further action was taken to prosecute the claim and as a result, respondent filed this Motion to Dismiss on November 17, 2021.

A hearing was scheduled on the respondent's motion for January 3, 2022. Notice of the hearing was sent to claimant by certified mail and was delivered on November 26, 2021.

After my review of the respondent's motion, the claimant's failure to respond

thereto, and 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 it is without prejudice.

IT IS SO ORDERED.

GREGORY K. STEWART
ADMINISTRATIVE LAW JUDGE