

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. **H006236**

JIMMY STEWART, EMPLOYEE

CLAIMANT

SIMMONS PREPARED FOODS INC., EMPLOYER

RESPONDENT

SEDGWICK CLAIMS MANAGEMENT SERVICES, INC.,
INSURANCE CARRIER

RESPONDENT

OPINION/ORDER FILED **AUGUST 2, 2021**

Hearing before ADMINISTRATIVE LAW JUDGE JOSEPH C. SELF, in Fort Smith, Sebastian County, Arkansas.

Claimant is represented by JEREMY D. WANN, Attorney, Fort Smith, Arkansas, although not appearing at hearing.

Respondents are represented by R. SCOTT ZUERKER, Attorney, Fort Smith, Arkansas.

OPINION/ORDER

On September 10, 2020, claimant filed Form AR-C, alleging a compensable injury on August 5, 2020. Claimant was represented at the time by Attorney Jeremy Wann, who remains his attorney of record.

On May 24, 2021, Respondent filed a Motion to Dismiss, alleging that it had been more than six months since claimant filed his Form AR-C with the Commission, but he had not made a request for a hearing in that time. Claimant's attorney advised the Commission he had no objection to the Motion to Dismiss, as he did not think the matter was ripe for a hearing at this time, and he and his client would not attend the hearing on the Motion to Dismiss. A hearing on Respondent's Motion to Dismiss was scheduled for July 29, 2021. Notice of the scheduled hearing was sent to Claimant by certified mail at the last address in the Commission's file and was accepted on July 9, 2021. Claimant did not appear in person at the hearing on July 29, 2021.

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I find it has been more than six months since prior to this hearing and that no request for a hearing has been made in this file. After my review of the Respondent's motion, the Claimant's lack of objection to the Motion, 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 is without prejudice.

IT IS SO ORDERED.

JOSEPH C. SELF
ADMINISTRATIVE LAW JUDGE