

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION**

**CLAIM NO. H300411**

**SHYATTA SUMMONS, EMPLOYEE**

**CLAIMANT**

**SUN RISE LODGING/BEST WESTERN PLUS  
JFK INN & SUITES, EMPLOYER**

**RESPONDENT**

**EMPLOYERS INSURANCE CO., CARRIER**

**RESPONDENT**

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**OPINION FILED 20 SEPTEMBER 2023**

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**Hearing before Administrative Law Judge JayO. Howe in Little Rock, Pulaski County, Arkansas, on Wednesday, 20 September 2023.**

**Claimant Shyatta Summons, pro se, did not appear.**

**Mr. James A. Arnold, II, Attorney-at-Law of Fort Smith, Arkansas, appeared on behalf of Respondents.**

**STATEMENT OF THE CASE**

A hearing was held in the above-styled matter on 20 September 2023, in Little Rock, Arkansas, on respondents' Motion to Dismiss. This claim involves an alleged workplace injury occurring on 7 December 2022.

A Form AR-C was filed with the Commission on 20 January 2023 by the claimant's counsel at the time, Laura Beth York of Rainwater, Holt & Sexton. A Form 2 was initially filed with the Commission on 6 February 2023 accepting a claim for left hip, left thigh, and right arm injuries.

Claimant's counsel filed a request for withdrawal of her representation on 6 April 2023, and that request was granted by the Full Commission by way of an Order filed on 18 April 2023.

On 24 July 2023, the respondents moved for a dismissal without prejudice for the claimant's failure to prosecute his claim. The file, which was incorporated by reference at the

hearing, reflects no request for a hearing on the claim in the relevant time preceding the respondents' motion. Appropriate notice was sent out, but the claimant failed to respond to the Commission or appear to resist dismissal of the claim.

Based on the record, available evidence, and argument of counsel, I am inclined to find that the Motion to Dismiss should be granted and the matter should be dismissed without prejudice.

**ORDER**

Pursuant to the above, I find that the Motion to Dismiss should be granted and this matter should be dismissed without prejudice at this time.

SO ORDERED.

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JAYO. HOWE  
ADMINISTRATIVE LAW JUDGE