

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. H106654

MARTY THORNE, Employee

CLAIMANT

MIDLAND INDUSTRIAL SERVICE, Employer

RESPONDENT

LIBERTY MUTUAL GROUP, Carrier/TPA

RESPONDENT

OPINION/ORDER FILED AUGUST 30, 2023

Hearing before ADMINISTRATIVE LAW JUDGE GREGORY K. STEWART in Springdale, Washington County, Arkansas.

Claimant not represented by counsel and not appearing at hearing.

Respondents represented by DAVID C. JONES, Attorney, Little Rock, Arkansas.

OPINION/ORDER

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

On December 28, 2021, Form AR-C was filed by Attorney Wesley Cottrell on behalf of the claimant alleging an injury on June 6, 2021, and requesting compensation benefits. Some discovery was completed before Attorney Cottrell filed a Motion to Withdraw as Counsel. That motion was granted by Full Commission order filed August 30, 2022. Since the filing of that order, no further action has been taken by the claimant to pursue his claim. Respondent filed a motion to dismiss this claim for failure to prosecute on June 14, 2023. A hearing was scheduled on respondent's motion for August 16, 2023, and notice of that hearing was sent to claimant by certified mail at the claimant's

last known address. The certified mail was returned to the Commission as “Unclaimed.” Claimant did not appear at the hearing and has not responded to the respondent’s Motion to Dismiss.

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’s Rule 099.13 and it is without prejudice.

IT IS SO ORDERED.

GREGORY K. STEWART
ADMINISTRATIVE LAW JUDGE