

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. H302869

BARBARA TIDWELL, Employee	CLAIMANT
LANDERS TOYOTA NWA, Employer	RESPONDENT
LM INSURANCE CORPORATION, Carrier	RESPONDENT

OPINION/ORDER FILED MAY 20, 2024

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 March 1, 2023, claimant suffered a compensable injury as the result of a motor vehicle accident. Respondent accepted the claim and paid some compensation benefits. On May 3, 2023, a Form AR-C was filed on claimant's behalf and the parties subsequently engaged in the discovery process. At some point Attorney York filed a Motion to Withdraw as Counsel and that motion was granted by the Full Commission in an Order filed October 24, 2023. No further action was taken until respondent filed its Motion to Dismiss on February 29, 2024.

A hearing on the respondent's motion was scheduled for May 8, 2024 and notice of the hearing was sent to claimant by certified mail at her last known address. The notice

was returned to the Commission as “Unclaimed.” In addition, claimant signed a Waiver of Appearance sent to her by the respondent on March 28, 2024, indicating that she was aware of her right to be heard on the respondent’s Motion to Dismiss and stating that she was waiving that right as well as her right to appear at the hearing. Claimant did not appear at the hearing on May 8, 2024.

After my review of the respondent’s motion, the claimant’s response thereto, and all other matters properly before the Commission, I find that respondent’s Motion to Dismiss should be and hereby is granted. This dismissal is pursuant to Commission Rule 099.13 and it is without prejudice.

IT IS SO ORDERED.

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GREGORY K. STEWART  
ADMINISTRATIVE LAW JUDGE