

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION**

**WCC NO. H002166**

LIDIA D. CASTRO VILLALTA, Employee	CLAIMANT
TYSON POULTRY, INC., Employer	RESPONDENT
TYNET CORPORATION, Carrier	RESPONDENT

**OPINION/ORDER FILED JUNE 23, 2021**

Hearing before ADMINISTRATIVE LAW JUDGE ERIC PAUL WELLS in Fort Smith, Sebastian County, Arkansas.

Claimant not represented by counsel and not appearing at hearing.

Respondent represented by J. MATTHEW MAULDIN, Attorney at Law, Little Rock, Arkansas.

**OPINION/ORDER**

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

On February 22, 2021, respondent filed a Motion to Dismiss Without Prejudice for Want of Prosecution, and a hearing on said motion was scheduled for April 1, 2021. On March 31, 2021, claimant's boyfriend called the Commission and indicated the claimant could not attend the hearing due to transportation problems, and indicated that the claimant objected because she was in need of additional medical services. The hearing was canceled and claimant was sent a letter on April 1, 2021 which enclosed a pre-hearing questionnaire to be completed within three weeks of said letter. The claimant failed to respond to that letter, and as a result respondent renewed its Motion to Dismiss.

A second hearing was scheduled on the respondent's Motion to Dismiss on June 10, 2021. Notice of the hearing was sent by certified mail to the claimant and United States Post Office records indicate that the notice was delivered to claimant on May 7, 2021, at 11:06 a.m. Despite having received notice, claimant failed to appear at the Motion to Dismiss hearing and failed to contact the Commission with any objection or response whatsoever.

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

**IT IS SO ORDERED.**

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HONORABLE ERIC PAUL WELLS  
ADMINISTRATIVE LAW JUDGE