

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. **H205677**

JULIUS BROWN, EMPLOYEE	CLAIMANT
J B HUNT TRANSPORT INC., EMPLOYER	RESPONDENT
ESIS INC./INSURANCE CARRIER	RESPONDENT

OPINION/ORDER FILED **SEPTEMBER 29, 2023**

Hearing before ADMINISTRATIVE LAW JUDGE JOSEPH C. SELF, in Springdale, Washington County, Arkansas.

Claimant is not represented and did not appear at the hearing.

Respondents are represented by JOSEPH H. PURVIS, Attorney, Little Rock, Arkansas.

OPINION/ORDER

On July 11, 2023, respondent filed a Motion to Dismiss, alleging that it had been more than six months since this claim was established based on the filing of the AR-1 form by the respondent. This filing occurred on August 9, 2022, and related to an injury on July 8, 2022. A review of the file did not reveal an AR-C form submitted by claimant. Claimant has not made a request for a hearing in this matter. A hearing on respondent's Motion to Dismiss was scheduled for September 21, 2023. Appropriate notice of this hearing was attempted on the claimant in the manner prescribed by law via the United States Postal Service, and the item could not be delivered due to the Postal Service being unable to locate any delivery information in its records. Claimant did not respond to Respondent's motion and did not appear in person at the hearing on September 21, 2023.

In support of its Motion to Dismiss, respondent provided a copy of a "Stipulation and Agreement" which was entered in the State of Georgia that is similar to a joint petition agreement in

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Arkansas. The settlement for the injury was a total of \$70,000.00. It therefore appears that claimant elected to prosecute his claim in the State of Georgia.

I find it has been more than six months since prior to this hearing that the First Report of Injury was filed. To date, claimant has not filed anything in the State of Arkansas to commence a claim here. To the extent that it is necessary to dismiss this claim, Respondent's Motion to Dismiss should be and hereby is granted. This dismissal is pursuant to Commission Rule 099.13 and is without prejudice.

IT IS SO ORDERED.

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JOSEPH C. SELF  
ADMINISTRATIVE LAW JUDGE