

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. **G605357 & G802364**

THANG CHU, EMPLOYEE	CLAIMANT
RHEEM MANUFACTURING COMPANY, EMPLOYER	RESPONDENT#1
ESIS INC.INSURANCE CARRIER	RESPONDENT#1
DEATH & PERMANENT TOTAL DISABILITY TRUST FUND	RESPONDENT#2

OPINION/ORDER FILED **MARCH 16, 2023**

Hearing before ADMINISTRATIVE LAW JUDGE JOSEPH C. SELF, in Fort Smith, Sebastian County, Arkansas.

Claimant is represented by EDDIE H. WALKER, Jr., Attorney, Fort Smith.

Respondents No. 1 are represented by R. SCOTT ZUERKER, Attorney, Fort Smith, Arkansas.

Respondent No. 2 is represented by CHRISTY L. KING, Attorney, Little Rock, Arkansas; although not attending the hearing.

OPINION/ORDER

On July 28, 2016, claimant filed Form AR-C, alleging a compensable injury on or about July 31, 2014 for file number G605357. On April 10, 2018 claimant filed Form AR-C, alleging a compensable injury on or about April 12, 2016 for file number G802364. Claimant was represented at the time by Mr. Eddie H. Walker, Jr., who remains his attorney of record.

On December 6, 2022, respondent filed a Motion to Dismiss, alleging that it had been more than six months since claimant filed his Form AR-C with the Commission, but he had not made a request for a hearing in that time. A hearing on respondent's Motion to Dismiss was scheduled for March 7, 2023. Notice of the scheduled hearing was sent to claimant by certified mail at the last known address in the Commission's file. The notice was delivered to claimant on January 12, 2023.

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Claimant did not respond to Respondent's motion and did not appear in person at the hearing on March 7, 2023.

I find it has been more than six months since prior to this hearing and that no request for a hearing has been made in this file. After my review of the Respondent's motion, the Claimant's lack of response and failure to attend the hearing for the Respondent's motion, as well as 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 Rule 099.13 and is without prejudice.

**IT IS SO ORDERED.**

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JOSEPH C. SELF  
ADMINISTRATIVE LAW JUDGE