

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. H306587

REGINALD L. CURTIS, Employee	CLAIMANT
BUTTERBALL LLC, Employer	RESPONDENT
ACE AMERICAN INSURANCE COMPANY	RESPONDENT

OPINION/ORDER FILED JUNE 11, 2024

Hearing before ADMINISTRATIVE LAW JUDGE GREGORY K. STEWART in Fort Smith, Sebastian County, Arkansas.

Claimant not represented by counsel and not appearing at hearing.

Respondents represented by ZACH RYBURN, Attorney, Little Rock, Arkansas.

OPINION/ORDER

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

On October 9, 2023, claimant filed Form AR-C alleging a compensable injury to his shoulder on August 10, 2023. Claimant's claim for compensation benefits was controverted by the respondent. A hearing was set on the claimant's claim, but was subsequently canceled. Thereafter, claimant's attorney filed a Motion to Withdraw which was granted by Order dated March 5, 2024. No further action was taken by the claimant to prosecute his claim.

Respondent filed a Motion to Dismiss on April 16, 2024, and a hearing was scheduled on the respondent's motion for June 3, 2024. Notice of the hearing was sent to claimant at his last known address by certified mail and was returned to the

Commission by the Post Office as “unclaimed” on May 16, 2024. Claimant has not responded to the respondent’s motion and did not appear at the hearing.

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 should be and hereby is granted. This dismissal is without prejudice and is pursuant to Commission Rule 099.13.

IT IS SO ORDERED.

GREGORY K. STEWART
ADMINISTRATIVE LAW JUDGE