

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION**

**WCC NO. H100386**

<b>TREVOR GALLANT, Employee</b>	<b>CLAIMANT</b>
<b>FUSION PROPERTIES, INC., Employer</b>	<b>RESPONDENT</b>
<b>BRIDGEFIELD CASUALTY INS. CO., Carrier/TPA</b>	<b>RESPONDENT</b>

**OPINION FILED JANAURY 6, 2023**

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, LAURA J. PEARCE, Attorney at Law, Fort Smith, Arkansas.

**STATEMENT OF THE CASE**

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

On January 7, 2021, the claimant filed an AR-C requesting various compensation benefits. The claim was controverted in its entirety. There has been no request for a hearing or additional activity by the claimant since the filing of the Form AR-C.

On October 18, 2022, the respondents filed a Motion to Dismiss requesting that this claim be dismissed for lack of prosecution. A hearing was scheduled for December 1, 2022. Notice of that hearing was sent to the claimant by certified mail, return receipt requested on November 1, 2022. United States Postal Department records indicate that claimant received and signed for the notice on November 3, 2022. The claimant contacted the Legal Advisor division of the Arkansas Workers' Compensation Commission in Little Rock, Arkansas, and was directed to contact the Workers' Compensation Commission office in Springdale, Arkansas. The claimant spoke with

my administrative assistant on November 4, 2022, and indicated he does not object to the dismissal and does not wish to proceed with his claim. He also informed the Commission he will not attend the hearing scheduled for December 1, 2022.

After a review of the respondents' Motion to Dismiss, the claimant's lack of desire to pursue his claim, and his failure to appear at the scheduled hearing, as well as all other matters properly before the Commission, I find that the respondents' Motion to Dismiss should and hereby is granted pursuant to Commission Rule 099.13. This dismissal is without prejudice.

**IT IS SO ORDERED.**

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**ERIC PAUL WELLS**  
**ADMINISTRATIVE LAW JUDGE**