

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. H304522

WILLIAM HOLMES, Employee	CLAIMANT
CONAGRA FOODS, Employer	RESPONDENT
SEDGWICK CLAIMS MGT. SERVICES, Carrier/TPA	RESPONDENT

OPINION/ORDER FILED MARCH 27, 2024

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

Claimant represented by LAURA BETH YORK, Attorney, Little Rock, Arkansas; although not appearing at hearing.

Respondents represented by MELISSA WOOD, Attorney, Little Rock, Arkansas.

OPINION/ORDER

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

In July 2023 claimant filed Form AR-C alleging a compensable injury to his right shoulder on approximately June 16, 2023. Respondent has denied that claim in its entirety. No further action was taken to prosecute the claim; therefore, on January 23, 2024 respondent filed a motion to dismiss the claim.

A hearing on respondent's Motion to Dismiss was scheduled for March 18, 2024, and notice of the hearing was sent to claimant by certified mail. Notice of the hearing was delivered to claimant on February 20, 2024. Claimant did not appear at the hearing. In response to the respondent's motion, claimant's attorney indicated by e-mail dated

February 2, 2024 that she had no objection to dismissal of the claim without prejudice.

Accordingly, after my review of the respondent's motion, the claimant's response thereto, and 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 it is without prejudice.

IT IS SO ORDERED.

GREGORY K. STEWART
ADMINISTRATIVE LAW JUDGE