

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

WCC NO. H106383

MAURICE HOPPER, Employee

CLAIMANT

CITY OF DARDANELLE, Employer

RESPONDENT

ARKANSAS MUNICIPAL LEAGUE, Carrier/TPA

RESPONDENT

OPINION/ORDER FILED OCTOBER 4, 2022

Hearing before ADMINISTRATIVE LAW JUDGE ERIC PAUL WELLS in Russellville, Pope County, Arkansas.

Claimant not represented by counsel and not appearing at hearing.

Respondent represented by, MARY K. EDWARDS, Attorney at Law, Fort Smith, Arkansas.

OPINION/ORDER

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

On December 23, 2021, the claimant filed an AR-C requesting various compensation benefits. The claimant sustained a compensable right knee injury on June 25, 2021. There has been no request for a hearing or additional activity by the claimant since the filing of the Form AR-C on December 23, 2021.

On July 25, 2022, the respondents filed a Motion to Dismiss requesting that this claim be dismissed for lack of prosecution. A hearing was scheduled for September 22, 2022. Notice of that hearing was sent to the claimant by certified mail, return receipt requested on July 29, 2022. That notice was returned by the United States Postal Department with the notation "Return to Sender. Unclaimed. Unable to Forward." However, it is noted that the respondents did send the

claimant a copy of the Motion to Dismiss by certified mail to the same address that the hearing notice was sent, and the claimant signed for that certified mail on July 28, 2022. Again, the Motion to Dismiss hearing notice sent to the claimant by the Commission was returned as unclaimed.

After a review of the respondents' Motion to Dismiss, the claimant's lack of response thereto 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.

ERIC PAUL WELLS
ADMINISTRATIVE LAW JUDGE