

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. H109526

ANDREW JENNINGS, Employee	CLAIMANT
TYSON MEXICAN ORIGINAL, Employer	RESPONDENT
TYNET, Carrier/TPA	RESPONDENT

OPINION FILED AUGUST 22, 2022

Hearing before ADMINISTRATIVE LAW JUDGE GREGORY K. STEWART in Springdale, Washington County, Arkansas.

Claimant not represented by counsel and not appearing at hearing.

Respondents represented by R. SCOTT ZUERKER, Attorney, Fort Smith, Arkansas.

OPINION/ORDER

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

On December 6, 2021, claimant filed Form AR-C alleging an injury on February 15, 2021. No action was taken to prosecute the claim and as a result respondent filed a motion to dismiss on June 3, 2022. Attorney Kinder filed a motion to withdraw as counsel noting that he had sent claimant a disengagement letter on June 1, 2022, and stating that he had made several attempts to contact the claimant regarding the motion to dismiss but had been unable to reach him. By order filed July 6, 2022, Attorney Kinder was allowed to withdraw.

A hearing was subsequently scheduled on the respondent's motion to dismiss for August 10, 2022. Notice of the hearing was sent to claimant by certified mail and was

delivered on July 12, 2022. Claimant did not appear at the hearing and has not responded to the respondent's motion.

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 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