

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. **H205900**

JASON L. MARSHALL, EMPLOYEE

CLAIMANT

TYSON POULTRY INC., SELF-INSURED EMPLOYER

RESPONDENT

OPINION/ORDER FILED **MAY 18, 2023**

Hearing before ADMINISTRATIVE LAW JUDGE JOSEPH C. SELF, in Springdale, Washington County, Arkansas.

Claimant is represented by LAURA BETH YORK, Attorney, Little Rock, Arkansas.

Respondents are represented by LAUREN SCROGGINS, Attorney, Little Rock, Arkansas

OPINION/ORDER

On November 3, 2022, claimant filed Form AR-C, alleging a compensable injury on May 16, 2022. Claimant was represented at the time by Laura Beth York, who remains his attorney of record.

On March 2, 2023, respondent filed a Motion to Dismiss, alleging that it had been more than six months since claimant filed his Form AR-C with the Commission, but he had not made a request for a hearing in that time. Claimant's attorney advised the Commission she had no objection to the Motion to Dismiss and would not attend the hearing. A hearing on respondent's Motion to Dismiss was scheduled for May 9, 2023. Notice of the scheduled hearing was sent to claimant by certified mail at the last known address in the Commission's file. The notice was delivered to claimant on March 11, 2023. Claimant did not respond to Respondent's motion and did not appear in person at the hearing on May 9, 2023.

I find it has been more than six months since prior to this hearing and that no request for a hearing has been made in this file. After my review of the Respondent's motion, the Claimant's lack of response and failure to attend the hearing for the Respondent's motion, as well as all other matters

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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 is without prejudice.

IT IS SO ORDERED.

JOSEPH C. SELF
ADMINISTRATIVE LAW JUDGE