

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION**

**AWCC NO. H010386**

**SONYA SHAW, Employee**

**CLAIMANT**

**TYSON POULTRY, INC., Employer**

**RESPONDENT**

**TYNET, Carrier/TPA**

**RESPONDENT**

**OPINION FILED MAY 13, 2022**

Hearing before ADMINISTRATIVE LAW JUDGE ERIC PAUL WELLS in Fort Smith, Sebastian County, Arkansas.

Claimant not represented by counsel.

Respondent represented by JEREMY SWEARINGEN, Attorney at Law, Little Rock, Arkansas.

**STATEMENT OF THE CASE**

On April 28, 2022 a hearing on respondent's Motion to Dismiss was conducted in Fort Smith, Sebastian County, Arkansas. On March 8, 2022, respondent filed a Motion to Dismiss For Want of Prosecution. On March 17, 2022, a hearing notice was sent to the parties setting this matter for a dismissal hearing on April 28, 2022. Notice was sent to the claimant by certified mail and United States Post Office records indicate that the notice was received and signed for by the claimant on March 25, 2022. Despite having received notice of the hearing, the claimant did not appear at the scheduled date and time of hearing. Counsel for respondent did introduce into evidence an e-mail received from claimant indicating she did not wish to pursue her claim and did not want to have a hearing. Counsel responded to claimant that he would file a formal motion to dismiss and that a hearing would be scheduled on the motion.

Given the claimant's failure to appear at the scheduled hearing, as well as her e-mail dated March 3, 2022 advising that she did not wish to proceed to a hearing in this matter, I find that it is appropriate to dismiss this claim without prejudice.

Therefore, I find that this matter should be dismissed without prejudice for failure to prosecute 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**