

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. H202951

STACY SHELBY, Employee	CLAIMANT
BUTTERBALL, LLC, Employer	RESPONDENT
ACE AMERICAN INSURANCE CO., Carrier/TPA	RESPONDENT

OPINION/ORDER FILED JULY 3, 2023

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

Claimant not represented by counsel and not appearing at hearing.

Respondents represented by ZACH RYBURN, Attorney, Little Rock, Arkansas.

OPINION/ORDER

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

On April 15, 2022, claimant filed form AR-C requesting various compensation benefits for an injury date of September 2, 2021. On July 19, 2022, the Full Commission granted an order allowing claimant's attorney to withdraw as counsel. Since that time the claimant has taken no action to prosecute her claim. On April 17, 2023, respondent filed a motion to dismiss this claim based upon claimant's failure to prosecute. A hearing was scheduled on the respondent's Motion to Dismiss for June 26, 2023. Notice of the hearing was sent to claimant by certified mail and delivered on April 22, 2023. Claimant did not appear at the hearing and has not responded to the claimant'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 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