

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION**

**WCC NO. H108153**

**DARREN WILLIAMSON, Employee**

**CLAIMANT**

**NWA CAR CLINIC, Employer**

**RESPONDENT**

**FEDERATED RESERVE INS. CO., Carrier/TPA**

**RESPONDENT**

**OPINION FILED DECEMBER 6, 2022**

Hearing before ADMINISTRATIVE LAW JUDGE ERIC PAUL WELLS in Springdale, Washington County, Arkansas.

Claimant not represented by counsel and not appearing at hearing.

Respondent represented by DAVID C. JONES, Attorney at Law, Little Rock, Arkansas.

**STATEMENT OF THE CASE**

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

On October 7, 2021, the claimant filed an AR-C requesting various compensation benefits. On October 13, 2021, the respondents filed an AR-2 confirming that the claim was being denied in its entirety. On or about October 26, 2021, the claimant filed a hearing request. On November 23, 2021, Mr. David Jones filed a letter of representation for the respondents. He also sent formal discovery to the claimant, which was never answered. On November 29, 2021, the Commission sent a letter to the claimant requesting he complete a Pre-hearing Questionnaire by December 27, 2021. After no response from the claimant regarding the request to file a Pre-hearing Questionnaire, on January 21, 2022, the file was returned to general files. No further action was taken on this file.

On August 10, 2022, the respondents filed a Motion to Dismiss requesting that this claim be dismissed for lack of prosecution. On August 26, 2022, a Notice of Hearing was mailed to the

parties notifying them that a hearing was scheduled for October 4, 2022. The claimant's notice was mailed to him at his last known mailing address by certified and regular mail. The United States Postal Service proof of service log indicated that the document was "in transit, arriving late" as of September 1, 2022. The October 4, 2022, hearing was cancelled and rescheduled for November 15, 2022. The claimant was again sent notice to his last known address by certified mail and regular mail. The United States Postal Service proof of service log said, "We regret to inform you that we were unable to locate any delivery information in our records for your item. In transit, arriving late" as of October 8, 2022.

The respondents sent a letter to the claimant informing him of the date of the Motion to Dismiss hearing, as well as the issues with the certified mail from the Commission, on November 8, 2022, via FedEx, via email, via U.S. Mail, and via U.S. Mail return receipt requested. The FedEx package was delivered to the claimant's front door on November 9, 2022. Despite having received notice of the hearing, the claimant did not appear at the hearing nor did he contact the Commission in any manner.

After my review of respondents' Motion to Dismiss, the claimant's lack of response thereto, and all other matters properly before the Commission, I find that respondents' Motion to Dismiss this claim should be and hereby is granted pursuant to Commission Rule 099.13. This dismissal is without prejudice.

**IT IS SO ORDERED.**

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HONORABLE ERIC PAUL WELLS  
ADMINISTRATIVE LAW JUDGE