

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION**

**WCC NO. H000230**

**WESLEY WRIGHT, Employee**

**CLAIMANT**

**LES ROGERS INC., Employer**

**RESPONDENT**

**TRAVELERS INDEMNITY CO., Carrier/TPA**

**RESPONDENT**

**OPINION FILED FEBRUARY 14, 2023**

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

Claimant not represented by counsel and not appearing at hearing.

Respondent represented by, AMY C. MARKHAM, 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 February 27, 2020, December 10, 2021, and May 13, 2022, the claimant's previous attorney, Laura Beth York, filed an AR-C requesting various compensation benefits, alleging injuries to his left and right ribs, left lung, left shoulder and other whole body on or about January 9, 2020. Thereafter, on August 15, 2022, Ms. York filed a Motion to Withdraw and on August 25, 2022, the Full Commission entered an Order allowing her to withdraw as claimant's counsel. No further action was taken on this claim.

On November 21, 2022, the respondents filed a Motion to Dismiss requesting that this claim be dismissed for lack of prosecution. A hearing was scheduled for January 24, 2023. Notice of that hearing was sent to the claimant by certified mail, return receipt requested on December 2, 2022. That notice was returned by the United States Postal Department with a new

address and the notation “Forward Time Expired. Return to Sender.” On December 12, 2022, notice was sent to the claimant at his new address. United States Postal Department records indicate that the notice was received and signed for on December 15, 2022. Despite having received notice of the hearing, no one on the claimant’s behalf appeared at the hearing, nor was any contact made with the Commission.

After a review of the respondents’ Motion to Dismiss, the claimant’s lack of response thereto, and his failure to appear at the scheduled hearing, as well as all other matters properly before the Commission, I find that the respondents’ Motion to Dismiss should and hereby is granted pursuant to Commission Rule 099.13. This dismissal is without prejudice.

**IT IS SO ORDERED.**

---

**ERIC PAUL WELLS**  
**ADMINISTRATIVE LAW JUDGE**