

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION**

**WCC NO. H405381**

**DONALD BAKER, Employee**

**CLAIMANT**

**MCKEE FOODS CORP., Employer**

**RESPONDENT**

**CCMSI, Carrier/TPA**

**RESPONDENT**

**OPINION FILED MAY 20, 2025**

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 R. SCOTT ZUERKER, Attorney at Law, Fort Smith, Arkansas.

**STATEMENT OF THE CASE**

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

On August 26, 2024, the claimant filed an AR-C requesting various compensation benefits in which he alleged an injury to his low back on or about July 22, 2024. The claim was denied in its entirety. No further action was taken regarding this claim.

On February 14, 2025, the respondents filed a Motion to Dismiss requesting that this claim be dismissed for lack of prosecution. A hearing was scheduled for May 13, 2025. Notice of that hearing was sent to the claimant by certified mail, return receipt requested on March 24, 2025. United States Postal Department records indicate that claimant received and signed for the notice on March 29, 2025. Despite having received notice of the scheduled hearing, the claimant failed to appear at the hearing and has failed to respond to the motion in any form or manner.

After my review of the 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.

**ORDER**

Pursuant to the above statement of the case and Commission Rule 099.13, I have no alternative but to dismiss this claim in its entirety, without prejudice, for failure to prosecute.

If respondents have not already done so, they are directed to pay the court reporter, Veronica Lane, her fees and expenses within thirty (30) days of receipt of her invoice.

**IT IS SO ORDERED.**

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**ERIC PAUL WELLS  
ADMINISTRATIVE LAW JUDGE**