

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. H103764

STEPHANIE BARNETT, Employee	CLAIMANT
BOONEVILLE HUMAN DEVELOPMENT CENTER, Employer	RESPONDENT
PUBLIC EMPLOYEE CLAIMS DIVISION, Carrier	RESPONDENT

OPINION/ORDER FILED AUGUST 12, 2024

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 CHARLES H. MCLEMORE, Attorney, Little Rock, Arkansas.

OPINION/ORDER

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

This claim involves an injury date of March 24, 2021. On June 3, 2021, claimant filed Form AR-C requesting additional compensation benefits. A hearing was scheduled on the claimant's claim with claimant represented by Attorney Michael Hamby for September 27, 2021. That hearing was subsequently canceled due to health issues involving Attorney Hamby.

Thereafter, Attorney Jarid Kinder began representing the claimant. Attorney Kinder subsequently filed a Motion to Withdraw as Counsel on July 5, 2022, stating that claimant had failed to maintain contact with him. Attorney Kinder's Motion to Withdraw

was granted by the Full Commission in an Order filed July 15, 2022. Since that time no further action has been taken to prosecute this claim and as a result, respondent filed a Motion to Dismiss on June 5, 2024.

A hearing was scheduled on the respondent's motion for August 5, 2024. Notice of the hearing was sent to claimant at her last known address by certified mail and was returned by the Post Office as "Unclaimed." Claimant did not appear at the hearing and has not responded to the respondent'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 this claim should be and hereby is granted. This dismissal is pursuant to Commission Rule 099.13 and it is without prejudice.

IT IS SO ORDERED.

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GREGORY K. STEWART  
ADMINISTRATIVE LAW JUDGE