

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. **H401544**

MARCOS E. HERRERA (DECEASED), EMPLOYEE	CLAIMANT
TYSON POULTRY INC., SELF-INSURED EMPLOYER	RESPONDENT

OPINION/ORDER FILED **AUGUST 29, 2024**

Hearing before ADMINISTRATIVE LAW JUDGE JOSEPH C. SELF, in Springdale, Washington County, Arkansas.

Claimant is deceased and not represented and did not appear at the hearing; his widow, SENOVIA C. PIMENTEL-HERRERA, did not appear at the hearing.

Respondents are represented by JEREMY SWEARINGEN, Attorney, Little Rock, Arkansas

OPINION/ORDER

On February 29, 2024, a Form AR-C was filed by Mr. Mark Peoples on behalf of Ms. Senovia Herrera, alleging that Marcos Herrea suffered a compensable fatal injury on February 12, 2024. Mr. Peoples filed a Motion to Withdraw on April 1, 2024, and was allowed to withdraw on May 3, 2024. No other attorney entered an appearance on behalf of Ms. Senovia Herrera.

On June 14, 2024, respondent filed a Motion to Dismiss pursuant to Commission Rule 099.13, alleging a want of prosecution. Respondent's motion alleged that the cause of death was determined to be natural/idiopathic.

A hearing on respondent's Motion to Dismiss was scheduled for August 8, 2024. Notice of the scheduled hearing was sent to claimant's widow by certified mail at the last known address in the Commission's file. The notice was delivered to claimant's widow on June 24, 2024.

On June 26, 2024, Ms. Maura Herrera called the Legal Advisor for the Commission on behalf of the claimant's widow and advised that Ms. Senovia Herrera had received notice of the hearing for

Herrera-H401544

the Motion to Dismiss and was not going to pursue her claim. Ms. Senovia Herrera did not appear in person at the hearing on August 8, 2024.

I find that pursuant to Commission Rule 099.13, this is a meritorious application for dismissal for lack of prosecution, and respondent's Motion to Dismiss should be and hereby is granted. This dismissal is without prejudice.

**IT IS SO ORDERED.**

---

JOSEPH C. SELF  
ADMINISTRATIVE LAW JUDGE