

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

WCC NO. H302222

JOHN JARAMILLO, Employee

CLAIMANT

GHAN & COOPER CONSTRUCTION, Employer

RESPONDENT

TRAVELERS INDEMNITY CO., Carrier/TPA

RESPONDENT

OPINION FILED MAY 21, 2024

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 GUY ALTON WADE, 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 April 10, 2023, the claimant filed an AR-C requesting various compensation benefits in which he alleged injuries to his bilateral knees on or about March 20, 2023. The claim was denied in its entirety.

The claimant retained the services of Michael L. Ellig, and a deposition was scheduled at Mr. Ellig's office; however, the claimant did not appear, nor has he made contact with his attorney since that time. Mr. Ellig entered a Motion to Withdraw as Counsel. The Commission granted the motion on September 26, 2023. No further action was taken in this claim.

On January 3, 2024, the respondents filed a Motion to Dismiss requesting that this claim be dismissed for lack of prosecution. A hearing was scheduled for April 25, 2024. Notice of that hearing was sent to the claimant by certified mail, return receipt requested on March 4, 2024.

United States Postal Department records indicate that claimant received and signed for the notice on March 11, 2024. 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.

**ERIC PAUL WELLS
ADMINISTRATIVE LAW JUDGE**