

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

WCC NO. H302331

VIMARIE LOPEZ PAGAN, Employee

CLAIMANT

CARGILL, INC., Employer

RESPONDENT

SEDGWICK CMS, INC., Carrier

RESPONDENT

OPINION/ORDER FILED MAY 20, 2025

Hearing before ADMINISTRATIVE LAW JUDGE ERIC PAUL WELLS, in Springdale, Washington County, Arkansas.

Claimant represented by EVELYN E. BROOKS Attorney, Fayetteville, Arkansas.

Respondent represented by R. SCOTT ZUERKER Attorney, Fort Smith, Arkansas.

OPINION/ORDER

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

On December 8, 2023, Evelyn Brooks, claimant's attorney, filed a Form AR-C requesting various compensation benefits in which she alleged injuries to her left hip on or about September 1, 2022. The claim was denied in its entirety. No hearing was requested at that time and no further action was taken in this claim.

On January 31, 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 14, 2025. That notice was returned by the United States Postal Department with the notation, "Return to Sender. Refused. Unable to Forward."

Ms. Brooks indicated that she has been trying to contact the claimant by telephone and by mail for several months with no success.

After my review of respondent's Motion to Dismiss, Ms. Brooks' lack of ability to contact the claimant, and the claimant's failure to appear at the scheduled hearing, as well as all other matters properly before the Commission, I find that respondent's Motion to Dismiss this claim should be and hereby is granted pursuant to A.C.A. §11-9-702(a)(4). This dismissal is without prejudice.

IT IS SO ORDERED.

**HONORABLE ERIC PAUL WELLS
ADMINISTRATIVE LAW JUDGE**