

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

WCC NO. H406133

RONALD SEAY, Employee	CLAIMANT
COLLIER DRUG STORES, INC., Employer	RESPONDENT
AUTO-OWNERS INS. CO., Carrier	RESPONDENT

AMENDED OPINION FILED MARCH 27, 2025

Hearing before ADMINISTRATIVE LAW JUDGE GREGORY K. STEWART in Springdale, Washington County, Arkansas.

Claimant represented by JARID M. KINDER, Attorney at Law, Fayetteville, Arkansas, though not attending hearing.

Respondents represented by RICK BEHRING, JR., Attorney at Law, Little Rock, Arkansas.

STATEMENT OF THE CASE

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

On September 20, 2024, Attorney Kinder on claimant's behalf filed a Form AR-C alleging claimant has suffered a compensable injury on March 12, 2024, and requesting compensation benefits. The parties engaged in some discovery and a hearing was eventually requested. A prehearing conference was conducted on December 4, 2024, and a hearing scheduled for February 12, 2025. On February 3, 2025, claimant withdrew his hearing request and asked that the file be returned to General Files. On February 6, 2025, respondent filed a Motion to Dismiss. By email dated February 14,

2025, Attorney Kinder indicated that claimant had no objection to the Motion to Dismiss and waived his right to a hearing.

A hearing on the respondent's Motion to Dismiss was scheduled for March 12, 2025. Notice of the hearing was sent to claimant by certified mail and delivered on February 20, 2025. On the date of the hearing, claimant appeared at the Springdale office but indicated that he had no objection to the dismissal of the claim and stated that he had other places to be if his presence was not required at the hearing. As a result, claimant did not attend the hearing.

After my review of the respondent's motion, the claimant's 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. This dismissal is pursuant to Commission Rule 099.13 and it is without prejudice.

IT IS SO ORDERED.

GREGORY K. STEWART
ADMINISTRATIVE LAW JUDGE