

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

WCC NO. F402672

KENNETH SMITH, Employee	CLAIMANT
WAL-MART STORES, INC., Employer	RESPONDENT
CLAIMS MANAGEMENT, INC., Carrier	RESPONDENT

OPINION FILED APRIL 4, 2005

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

Claimant proceeding *pro se*, although failing to appear at hearing.

Respondents represented by CURTIS L. NEBBEN, Attorney, Fayetteville, Arkansas.

OPINION & ORDER

This case comes on for review following a hearing on the respondent's motion to dismiss without prejudice.

A pre-hearing conference was conducted on this claim on April 28, 2004, and a hearing scheduled for July 21, 2004. At claimant's request the scheduled hearing was canceled. No further action was taken until the respondent the respondent filed its motion to dismiss on February 2, 2005. A hearing was scheduled on respondent's motion to dismiss for March 30, 2005, and notice of that hearing was sent to the claimant by certified mail. The certified mail receipt indicates that claimant received notice of the hearing on February 19, 2005. Despite having received notice of the hearing, claimant did not appear at the hearing.

After my review of the respondent's motion, the claimant's failure to appear at the hearing, and all other matters properly before the Commission, I find that respondent's motion to dismiss this claim without prejudice should be and hereby is granted.

IT IS SO ORDERED.

GREGORY K. STEWART
ADMINISTRATIVE LAW JUDGE