

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

WCC NO. F306429

SUSANNA TERRAZAS, Employee	CLAIMANT
CINTAS CORPORATION, Employer	RESPONDENT
AMERICAN PROTECTION INSURANCE CO., Carrier	RESPONDENT

OPINION FILED JUNE 30, 2005

This case comes on for review before the Commission following a hearing on the respondent's motion to dismiss.

After my consideration of the respondent's motion, and all other matters properly before the Commission, I find that respondent's motion to dismiss this claim for failure to prosecute should be granted.

Respondent filed its motion to dismiss with the Commission on April 8, 2005 alleging that claimant had taken no action since September 2004 to pursue a hearing on her compensation claim. Notice of the respondent's motion was sent to claimant and a hearing was scheduled on the respondent's motion for June 8, 2005. Prior to that hearing claimant's attorney indicated that neither she nor the claimant would appear at the hearing.

Accordingly, after my consideration of the respondent's motion, the claimant's response thereto, and all other matters before the Commission, I find that respondent's motion to dismiss this case without prejudice should be and hereby is granted.

IT IS SO ORDERED.

GREGORY K. STEWART
ADMINISTRATIVE LAW JUDGE