

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

WCC NO. F014579

JOSE TORRES, Employee	CLAIMANT
KAWNEER COMPANY, Employer	RESPONDENT
LIBERTY MUTUAL INSURANCE COMPANY, Carrier	RESPONDENT

OPINION FILED MAY 19, 2005

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

Claimant appearing *pro se*.

Respondents represented by COLIN WALL, Attorney, Little Rock, Arkansas.

ORDER

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

On March 9, 2005 respondent filed a motion to dismiss contending that claimant had failed to prosecute a claim which was filed on August 3, 2001. A hearing was set on respondent's motion for April 27, 2005. Claimant appeared at the hearing and indicated that he was unaware of any additional compensation benefits to which he might be entitled. A ruling on the respondent's motion to dismiss was held in abeyance for three weeks in order to give claimant an opportunity to speak to a legal advisor and determine whether there were unpaid benefits to which he might be entitled. Claimant was instructed to contact my office if there were benefits which he believed he had not received. More than three weeks after the hearing claimant has had no contact with my office indicating that he believes he is entitled to additional compensation benefits.

After consideration of the respondent's motion, the claimant's response thereto, and all other matters properly before the Commission, I find that respondent's motion to dismiss this claim for failure to prosecute pursuant to Rule 13 of the Commission should be and hereby is granted without prejudice.

IT IS SO ORDERED.

GREGORY K. STEWART
ADMINISTRATIVE LAW JUDGE