

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

WCC NO. F507613

JUAN TOVAR, Employee	CLAIMANT
PASCHAL CONSTRUCTION COMPANY, Employer	RESPONDENT
COMPANION PROPERTY & CASUALTY GROUP, Carrier	RESPONDENT

OPINION & ORDER FILED NOVEMBER 28, 2005

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

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

Respondents represented by JOSEPH H. PURVIS, Attorney, Little Rock, Arkansas.

ORDER

This case comes on for review before the Commission following a hearing scheduled for November 9, 2005.

Notice of a hearing on claimant's claim was sent to claimant at his last known address by certified mail and was returned to the Commission without receipt. Claimant did not appear at the hearing as scheduled and respondent moved to dismiss the case with prejudice, and in addition asked for costs. I held in abeyance a ruling on dismissal in order to provide claimant's attorney the opportunity to determine why claimant was not present. In a letter dated November 22, 2005, claimant's attorney contends that claimant's failure to appear was the result of a misunderstanding and that claimant wishes to proceed with a hearing on the merits of his claim.

Based upon an indication that claimant does wish to proceed with a hearing on the merits of his claim, I find that respondent's motion to dismiss this case should be denied. A hearing on claimant's claim will be scheduled for a future date. At the time of that hearing, the respondent's motion for costs will be considered.

IT IS SO ORDERED.

GREGORY K. STEWART
ADMINISTRATIVE LAW JUDGE