

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION
WCC NO. F410594**

JERRY BINNS, EMPLOYEE

CLAIMANT

GEORGIA-PACIFIC CORP., SELF-INSURED EMPLOYER

RESPONDENT

SEDGEWICK CLAIMS MANAGEMENT, INC., TPA

RESPONDENT

OPINION AND ORDER OF DISMISSAL FILED MAY 25, 2006

On this day, comes before this Court, the Respondents' Motion to Dismiss for Want of Prosecution, and this Court, having been sufficiently advised of all matters of both law and fact, hereby finds: that Claimant requested a hearing on November 12, 2004 by filing a letter with the Commission; the Respondent had previously filed an AR-2 denying the claim in its entirety on October 12, 2004; the Claimant failed to file a response to the Prehearing Questionnaire mailed to him on February 24, 2005 by the Administrative Law Judge and the claim was returned to general files on April 5, 2005; the Claimant subsequently retained counsel and again requested a hearing; Prehearing Notices and Prehearing Questionnaires were again mailed to the parties on June 7, 2005; however, the claim was again returned to general files on July 8, 2005 at the request of Claimant's attorney; the Claimant's attorney filed a Motion to Withdraw as Counsel which was granted by the Full Commission on November 2, 2005; that no hearing has been held in regard to this claim; that, the Claimant has taken no further action to bring this claim to a final disposition since June 7, 2005; and, that Respondents are requesting that this claim be Dismissed for Want of Prosecution, pursuant to Commission Rule 13.

Accordingly, this Court finds that Respondents' Motion should be, and it is hereby, granted, and this claim is hereby Dismissed Without Prejudice for Want of Prosecution, pursuant to Rule 13 of the Rules of the Arkansas Workers' Compensation Commission and due process of law.

IT IS SO ORDERED.

BARBARA WEBB
Administrative Law Judge

Date