

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F300063

KRISTOPHER LORREN

CLAIMANT

HANNAS CANDLES

RESPONDENT

LEGION INSURANCE COMPANY,
INSURANCE CARRIER

RESPONDENT

OPINION FILED JANUARY 25, 2006

Hearing before ADMINISTRATIVE LAW JUDGE MICHAEL L. ELLIG in Springdale, Washington County, Arkansas.

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

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

OPINION AND ORDER

_____This matter was set for hearing on the respondent's Motion to Dismiss for 1:15 p.m. on January 23, 2006, in Springdale, Arkansas. Notice of this proceeding was given to the parties and their attorneys in the manner provided by the Act. This notice was properly received by the respondent, the respondent's attorney, and the claimant's attorney. The notice sent to the claimant was returned by the postal authorities as "unclaimed", after repeated attempts at delivery were made.

The respondent appeared through counsel and was ready to proceed at the scheduled hearing. The claimant did not appear at this hearing either in person or by counsel. No response to respondent's Motion has been received.

Based upon the claimant's failure to pursue this claim, his failure to make any response to the respondent's Motion, and his failure to appear at the scheduled hearing, I find that the

respondent's Motion is well taken and should be granted.

Therefore, the above styled claim is dismissed for lack of diligent prosecution. This dismissal is without prejudice to refiling within the time allowed by Ark. Code Ann. §11-9-702.

IT IS SO ORDERED.

MICHAEL L. ELLIG
Administrative Law Judge