

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

WCC NO. F400364

DANNY WHITT, Employee

CLAIMANT

USA TRUCK, INC., Self-Insured Employer

RESPONDENT

OPINION FILED FEBRUARY 14, 2006

Hearing before ADMINISTRATIVE LAW JUDGE GREGORY K. STEWART in Fort Smith, Sebastian County, Arkansas.

Claimant failing to appear at hearing.

Respondents represented by J. RODNEY MILLS, Attorney, Fort Smith, Arkansas.

OPINION & ORDER

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

After my review of the respondent's motion, the claimant's failure to respond or appear at the scheduled hearing, and all other matters properly before the Commission, I find that respondent's motion to dismiss should be granted.

On November 4, 2005, the respondent filed a motion to dismiss this claim for lack of prosecution. A hearing on the respondent's motion was set for January 23, 2005, and notice of that hearing was sent to the claimant by certified mail. The certified mail receipt indicates that claimant received notice of the hearing on November 27, 2005. Despite having received notice of the hearing, claimant did not appear at the scheduled hearing time and has not responded in any way to the respondent's motion.

Based upon the foregoing, I find that the respondent's motion to dismiss should be and hereby is granted; therefore, this claim is dismissed without prejudice.

IT IS SO ORDERED.

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GREGORY K. STEWART  
ADMINISTRATIVE LAW JUDGE

