

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

WCC NO. F313645

JOHNATHAN CAUDLE, Employee	CLAIMANT
TYSON MEXICAN ORIGINAL, INC., Employer	RESPONDENT
TYNET CORPORATION, Carrier	RESPONDENT

OPINION/ORDER FILED MAY 9, 2007

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

Claimant represented by MARK FREEMAN, Attorney, Fayetteville, Arkansas.

Respondents represented by M. MELISSA LEE, Attorney, Springdale, 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 response thereto, and all other matters properly before the Commission, I find that respondent's motion to dismiss this claim for failure to prosecute should be granted.

The respondent filed a motion to dismiss this claim by letter dated February 27, 2007. A hearing was scheduled on the respondent's motion for April 26, 2007. Notice of the hearing on respondent's motion was sent to claimant at his last known address by certified mail. The unclaimed certified mail has been blue-backed and admitted as Commission Exhibit 3.

Claimant did not appear at the hearing and the claimant's attorney indicated that his last conversation with claimant occurred on December 19, 2006. Claimant's attorney indicated that he had made several attempts to contact the claimant with regard to his case, but claimant had not responded.

Caudle (F313645)

After my review of the respondent's motion, the claimant's failure to appear at his hearing, the fact that claimant has not responded to his attorney's request, and all other matters properly before the Commission, I find that the respondent's motion to dismiss this case for failure to prosecute should be and hereby is granted pursuant to Commission Rule 099.13. This dismissal is without prejudice.

IT IS SO ORDERED.

GREGORY K. STEWART
ADMINISTRATIVE LAW JUDGE