

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

WCC NO. F512063

DONALD HUDSON, Employee	CLAIMANT
SONIC DRIVE IN, Employer	RESPONDENT
GALLAGHER BASSETT, Carrier	RESPONDENT

OPINION/ORDER FILED JULY 16, 2007

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

Claimant represented by SARAH WILLIAMSON, Attorney, Fayetteville, Arkansas.

Respondents represented by WILLIAM C. FRYE, Attorney, Little Rock, Arkansas.

OPINION /ORDER

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

Respondent filed a motion to dismiss this claim for failure to prosecute contending that there had been no activity in the case since January 2006. A hearing was conducted on the respondent's motion and at the time of that hearing Attorney Williamson appeared on behalf of claimant. Attorney Williamson indicated that she had made numerous attempts to contact her client since January 13, 2006, but had been unsuccessful. Despite sending mail to claimant's last known address and leaving telephone messages, claimant had not responded to her inquiries.

Based upon the lack of activity in this case since January 2006 as well as the claimant's failure to respond to inquiries from his attorney, I find that claimant has failed to prosecute his case; therefore, the respondent's motion to dismiss this case should be and hereby is granted. This dismissal is without prejudice.

IT IS SO ORDERED.

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GREGORY K. STEWART  
ADMINISTRATIVE LAW JUDGE