

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

WCC NO. F408258

NATE PHILLIPS, Employee	CLAIMANT
DANAHER TOOL, Employer	RESPONDENT
GAB ROBINS RISK MANAGEMENT, Carrier	RESPONDENT

OPINION/ORDER FILED AUGUST 16, 2007

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

Claimant represented by EVELYN BROOKS, Attorney, Fayetteville, Arkansas, although not present at hearing.

Respondents represented by JIMMY C. CLINE, Attorney, Little Rock, Arkansas.

OPINION/ORDER

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

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 should be granted.

The respondent filed its amended motion to dismiss for lack of prosecution on June 28, 2007. A hearing was set on the respondent's motion on August 8, 2007. In lieu of attending the hearing, claimant's attorney sent a letter indicating that she objected to the respondent's motion indicating that she had been unable to contact her client despite efforts to do so. Other than prior motions to dismiss which were denied by this administrative law judge, there has been virtually no activity in this case since March 2005.

Based upon the foregoing evidence, I find that claimant has failed to prosecute his case and therefore find that the respondent's motion to dismiss 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