

August 5, 2024

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Michael G. King
4713 E. 49TH St
Sioux Falls, SD 57110

Sent certified: 7022 1670 0002 3189 6700

RE: HF No. 47, 2016/17 – Michael G. King v Avera Health and Avera Workers’
Compensation Fund

Greetings,

I am in receipt of Employer and Insurer’s Motion to Dismiss. Claimant was given the opportunity to respond to the Motion but did not do so. The deadline for response to the Motion was May 17, 2021.

ARSD 47:03:01:09 allows the Department of Labor and Regulation discretion in dismissing a workers’ compensation claim if there “has been no activity for at least one year, unless good cause is shown to the contrary.”

As the record does not show any activity by Claimant since October 6, 2016, and Claimant has not shown good cause for lack of activity, the Department hereby Orders that Employer and Insurer’s Motion to Dismiss is GRANTED.

This Worker’s Compensation hearing file No. 47, 2016/17, is dismissed without prejudice.

The Parties may consider this Letter to be the Order of the Department.

This is the final decision in this matter unless you appeal in one of two ways:

- (1) The decision is appealed directly to circuit court within 30 days after the date of this decision, OR

- (2) A request for a Department of Labor and Regulation review is filed by mailing a letter of appeal to the Secretary, S.D. Department of Labor and Regulation, 123 W. Missouri Ave., Pierre, SD 57501 within 10 days after the date of this decision. The Secretary's Decision may be appealed to circuit court within 30 days after the date of the Secretary's decision.

If you have any questions regarding this Letter Order of Dismissal, please contact the Department.

Sincerely,

A handwritten signature in blue ink that reads "Michelle Faw". The signature is written in a cursive, flowing style.

Michelle M. Faw
Administrative Law Judge