

August 18, 2021

Derrick Westby


Jennifer L. Wosje
Woods, Fuller, Shultz & Smith, PC
P.O. Box 5027
Sioux Falls, SD 57104-6322

RE: HF No. 57, 2019/20 – Derrick Westby v. Scull Construction and Creative Risk Solutions

Dear Mr. Westby and Ms. Wosje:

I am in receipt of Employer and Insurer's Motion to Dismiss for Failure to Prosecute. Claimant was given the opportunity to respond to the Motion but did not do so. The deadline for response to the Motion was July 20, 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 August 16, 2019, the Department hereby Orders that Employer and Insurer's Motion to Dismiss for Failure to Prosecute is granted. This Worker's Compensation Hearing File No. 57, 2019/20 is dismissed without prejudice.

The Parties may consider this Letter to be the Order of the Department. If you have any questions regarding this Letter Order of Dismissal, please contact this office.

Sincerely,



Michelle M. Faw
Administrative Law Judge