

June 29, 2023

Bruce Scholz  
317 Inwood Drive  
Bullard, TX 75757

Sent certified: 7020 1810 0000 9848 2480

Kerri Cook Huber  
Gunderson, Palmer, Nelson & Ashmore, LLP  
PO BOX 8045  
Rapid City, SD 57709

RE: HF No. 61, 2021/22 – Bruce Scholz v. DC Automotive & Kooiman Automotive, Inc  
d/b/a Ultimate Automotive

Greetings,

I am in receipt of Employer and Insurer's Motion to Dismiss for Want of Prosecution. Claimant was given the opportunity to respond to the Motion but did not do so. The deadline for response to the Motion was June 23, 2023.

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 the withdrawal of his attorney on May 13, 2022, the Department hereby Orders that Employer and Insurer's Motion to Dismiss for Want of Prosecution is granted. This Worker's Compensation Hearing File No. 61, 2021/22, 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 style with a large initial "M" and a long, sweeping underline.

Michelle M. Faw  
Administrative Law Judge