

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. H105648

LaSHAWN R. ROSE, EMPLOYEE

CLAIMANT

DESHA COUNTY, EMPLOYER

RESPONDENT

**ASSOCIATION OF ARKANSAS COUNTIES – WCT,
CARRIER / AAC RISK MANAGEMENT SERVICES, TPA**

RESPONDENT

OPINION FILED 26 OCTOBER 2023

Hearing before Administrative Law Judge JayO. Howe in McGehee, Desha County, Arkansas, on Wednesday, 26 October 2023.

Mr. Mark Alan Peoples, Attorney-at-Law in Little Rock, Arkansas, represents the claimant and waived his appearance.

Mr. Mickael E. Ryburn, Attorney-at-Law in Little Rock, Arkansas, appeared on behalf of respondents.

STATEMENT OF THE CASE

A hearing was held in the above-styled matter on 26 October 2023, in McGehee, Arkansas, on respondents' Motion to Dismiss this matter. This claim involves an alleged workplace injury occurring on 28 June 2021. A First Report of Injury form was filed with the Commission on 14 July 2021.

The Commission received a Form AR-C on 11 January 2022. Subsequently, the claimant received treatment for the injury and was eventually released to full-duty. An impairment rating was assigned and paid accordingly by the respondents.

On 30 August 2023, the respondents moved for a dismissal without prejudice for the claimant's failure to prosecute this claim. As argued in the respondents' Motion, the file reflects no request for a hearing on the claim in the relevant time preceding the filing of that Motion. Appropriate notice of the Motion was sent to the claimant, and on 8 September 2023

she communicated, through counsel, that she did not intend to resist the Motion so long as the dismissal was without prejudice. After the hearing on the Motion was set and notice was sent, the claimant communicated on 5 October 2023, again through counsel, that she intended to waive her appearance at the hearing.

The respondents appeared today to present their unopposed Motion to Dismiss. Based on the record, available evidence, and argument of counsel, I find that the Motion to Dismiss should be granted and that the matter should be dismissed without prejudice.

ORDER

Pursuant to the above, I find that the Motion to Dismiss should be granted and that this matter should be dismissed without prejudice at this time.

SO ORDERED.

JAYO. HOWE
ADMINISTRATIVE LAW JUDGE