

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

WCC NO. H106007

EVELYN BRUCE, Employee

CLAIMANT

AREA AGENCY ON AGING NW ARK., Employer

RESPONDENT

RISK MANAGEMENT RESOURCES, Carrier

RESPONDENT

OPINION/ORDER FILED SEPTEMBER 30, 2025

Hearing before ADMINISTRATIVE LAW JUDGE ERIC PAUL WELLS, in Harrison, Boone County, Arkansas.

Claimant represented by FREDERICK S. SPENCER, Attorney, Mountain Home, Arkansas; although not present at hearing.

Respondent represented by MELISSA WOOD, Attorney, Little Rock, Arkansas.

OPINION/ORDER

This case comes on for review following a hearing on respondent's Motion to Dismiss.

On July 8, 2022, Rick Spencer, claimant's attorney, filed a Form AR-C requesting various compensation benefits in which she alleged injuries to her right shoulder, right knee, and neck; however, no hearing was requested. No further action was taken in this claim.

On June 10, 2025, the respondents filed a Motion to Dismiss requesting that this claim be dismissed for lack of prosecution. A hearing was scheduled for August 28, 2025. Notice of that hearing was sent to the claimant by certified mail, return receipt requested on July 17, 2025. United States Postal Department records indicate that claimant received and signed for the notice on July 22, 2025.

Mr. Spencer indicated by email dated July 17, 2025, that he would waive his appearance at the hearing and further indicated that he had no objection to the Motion to Dismiss "WITHOUT prejudice."

Pursuant to 11 CAR §25-110(d) (previously codified as Commission Rule 099.13), the Commission may enter an order dismissing a claim for want of prosecution. After my review of the respondent's Motion to Dismiss, Mr. Spencer's response thereto that he had no objection to the Motion to Dismiss without prejudice, and the claimant's failure to appear at the scheduled hearing, as well as all other matters properly before the Commission, I find that claimant has failed to prosecute this claim. Therefore, this claim is dismissed without prejudice.

IT IS SO ORDERED.

HONORABLE ERIC PAUL WELLS
ADMINISTRATIVE LAW JUDGE