

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

WCC NO. H401871

WALTER GRIFFEY, Employee

CLAIMANT

BAPTIST HEALTH REGIONAL HOSPITAL, Employer

RESPONDENT

CLAIMS ADMINISTRATIVE SERVICES, Carrier

RESPONDENT

OPINION/ORDER FILED MAY 20, 2025

Hearing before ADMINISTRATIVE LAW JUDGE ERIC PAUL WELLS, in Fort Smith, Sebastian County, Arkansas.

Claimant represented by JARID M. KINDER, Attorney, Fayetteville, Arkansas; although not present at hearing.

Respondent represented by JARROD S. PARRISH Attorney, Little Rock, Arkansas.

OPINION/ORDER

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

On April 15, 2024, Jarid Kinder, claimant's attorney, filed a Form AR-C requesting various compensation benefits in which he alleged injuries to his right shoulder on or about January 18, 2024. Claimant requested and was granted a Change of Physician on October 15, 2024. No further action was taken in this claim.

On March 11, 2025, the respondents filed a Motion to Dismiss requesting that this claim be dismissed for lack of prosecution. A hearing was scheduled for May 8, 2025. Notice of that hearing was sent to the claimant by certified mail, return receipt requested on April 1, 2025. United States Postal Department records indicate that claimant received and signed for the notice on April 3, 2025. Despite having received notice of the scheduled hearing, the claimant failed to appear at the hearing.

Mr. Kinder indicated by email dated March 31, 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.

After my review of respondent's Motion to Dismiss, Mr. Kinder'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 respondent's Motion to Dismiss this claim should be and hereby is granted pursuant to A.C.A. §11-9-702(a)(4). This dismissal is without prejudice.

IT IS SO ORDERED.

**HONORABLE ERIC PAUL WELLS
ADMINISTRATIVE LAW JUDGE**