

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. H304964

AMBER J. HARRIS, EMPLOYEE

CLAIMANT

**DOG SPA, EMPLOYER
UNINSURED**

RESPONDENT

OPINION AND ORDER DATED JULY 8, 2025

The Hearing before Administrative Law Judge James D. Kennedy in Mountain Home, Arkansas, was held on June 18, 2025.

Claimant was represented by Frederick S. "Rick" Spencer of Mountain Home, Arkansas.

Respondents were represented by Jerry L. Lovelace, of Springdale, Arkansas.

STATEMENT OF THE CASE

A hearing was held in the above styled matter on the 18th day of June, 2025, in Mountain Home Arkansas, on Respondent's Motion to Dismiss for failure to prosecute pursuant to Ark. Code Ann. 11- 9 -702 and Rule 099.13 of the Arkansas Workers' Compensation Commission. The claimant failed to appear, and his attorney waived his appearance, based upon the note from the claimant which was introduced into evidence and which stated "I, Amber Harris would no longer like to pursue my workmans [sic] comp case against Tristin Hobbs." This note was dated April 15, 2025.

The respondents were represented by Jerry L. Lovelace, of Springdale, Arkansas, who introduced two documents into the record. The Motion to Dismiss was filed on what appears to be March 31, 2025. The claimant had filed her AR-C on August 7, 2023, alleging that she was due compensation for an injury sustained while employed by the Defendant and walking a dog that bit her right hand.

No response was filed by the Claimant to Respondent's Motion to Dismiss, so an appropriate notice for a Motion to Dismiss hearing was provided to the Claimant, setting the hearing for June 18, 2025, at 10:00 a.m., in Mountain Home, Arkansas.

A hearing was held on June 18, 2025, and the claimant failed to appear, and her attorney waived his appearance due to the note entered into the record which provided that the claimant no longer wished to pursue her claim. The evidence provided that no bona fide hearing request was made within six months of the filing of the AR-C. The Respondents requested that the matter be dismissed pursuant to Rule 099.13 of the Arkansas Workers' Compensation Commission and Ark. Code Ann. 11-9-702.

ORDER

Pursuant to the above statement of the case, as well as the documents entered into the evidentiary record and statements by the attorney for the Respondents, there is no alternative but to grant the Motion to Dismiss without prejudice pursuant to Rule 099.13 of the Arkansas Workers' Compensation Commission and Ark. Code Ann. 11-9-702.

IT IS SO ORDERED.

JAMES D. KENNEDY
ADMINISTRATIVE LAW JUDGE