

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. H308127

DANIEL KOSTER, EMPLOYEE

CLAIMANT

**DEFIANCE METAL PRODUCTS OF AR,
EMPLOYER**

RESPONDENT

**DEFIANCE METAL PRODUCTS OF AR, INC./
RISK MANAGEMENT RESOURCES,
CARRIER/TPA**

RESPONDENT

OPINION AND ORDER FILED JULY 16, 2025

The Hearing before Administrative Law Judge James D. Kennedy, was held on July 9, 2025, in Clinton Arkansas.

Claimant was pro-se and failed to appear.

Respondents were represented by Carrol Lockard Worley, of Little Rock, Arkansas.

STATEMENT OF THE CASE

A hearing was held in the above styled matter on the 9th day of July, 2025, in Clinton, Arkansas, on Respondent's Motion to Dismiss for failure to prosecute pursuant to Arkansas Code Ann. 11-9-702 and Rule 099.13 of the Arkansas Workers' Compensation Commission. The claimant was pro se and failed to appear on his own behalf. The respondents were represented by Carol Worley of Little Rock, Arkansas.

A First Report of Injury was filed on December 6, 2023, which provided that the claimant was injured on December 5, 2023, and was taken to BHMC Heber Springs. A C Form was filed on December 15, 2023, which provided that the claimant was injured during the course and scope of his employment, where he sustained injuries to his abdomen, pelvis, and right hip and "other whole body." A note from Dr. Patrick Freeman dated June 11, 2024, provided that the claimant had reached maximum medical

improvement in regard to his hernia under his workers' compensation claim and that he does not have any residual impairment related to the claim and he was released to full duty on June 5, 2024. The claimant's attorney, Laura Beth York received an Order from the Full Commission, dated August 20, 2024, allowing her to withdraw as counsel. On May 7, 2025, the respondents filed a Motion to Dismiss. No response was filed by the claimant so an appropriate notice of a Motion to Dismiss hearing was provided to the parties setting the hearing for July 9, 2023, at 10:30 a.m.

A hearing was held on July 9, 2025, and the claimant failed to appear. The Respondents were represented by Carrol Worley, who requested that the matter be dismissed pursuant to Rule 099.13 of the Arkansas Workers' Compensation Commission and A.C.A. 11-9-702.

ORDER

Pursuant to the above statement of the case, documents entered into the 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 A.C.A. 11-9-702.

IT IS SO ORDERED.

JAMES D. KENNEDY
ADMINISTRATIVE LAW JUDGE