

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. H405925

ASHLEY RITTER, EMPLOYEE

CLAIMANT

OZARK ADULT PERSONAL CARE,

LLC, EMPLOYER

RESPONDENT

LIBERTY MUTUAL, CARRIER/TPA

RESPONDENT

OPINION AND ORDER FILED MARCH 3, 2026

A Hearing before Administrative Law Judge James D. Kennedy in Batesville, Arkansas, was held on February 25, 2026.

Claimant was pro-se and failed to appear.

Respondents were represented by Mike Ryburn, of Little Rock, Arkansas.

STATEMENT OF THE CASE

A hearing was held in the above styled matter on the 25th day of February 2026, in Batesville, Arkansas, on Respondent's Motion to Dismiss for failure to prosecute pursuant to Arkansas Code Ann. 11-9-702 and 11 C.A.R. 25-110(d) which was previously named Rule 099.13 of the Arkansas Workers' Compensation Commission. The claimant was pro se and failed to appear. The Respondents were represented by Mike Ryburn of Little Rock, Arkansas. The Claimant had previously been represented by Mark Alan Peoples, who was allowed to withdraw by an Order of the Full Commission, dated October 31, 2025.

A Motion to Dismiss was filed on November 5, 2025. An AR-C had been previously filed on September 12, 2024, where the Claimant contended she had sustained injuries to multiple body parts including her right ankle, left arm, and spine, due to a motor vehicle

accident on July 31, 2024. The Claimant filed a Prehearing Questionnaire on April 9, 2025. A hearing was set for the date of September 24, 2025, but was cancelled prior to the hearing date by the Claimant. The Claimant was previously represented by Mark Alan Peoples, who was allowed to withdraw by an Order from the Full Commission, dated October 31, 2025. The Claimant has made no request for a hearing and has taken no steps after requesting that her hearing be cancelled to pursue and prosecute her claim, or to request a hearing.

After proper and reasonable notice, a hearing was held on February 25, 2026, and the Claimant failed to appear. The Respondents were represented by Mike Ryburn, who requested that the matter be dismissed pursuant to 11 C.A.R. 110(d) of the Arkansas Workers' Compensation Commission and the provisions of Arkansas Code Ann. 11-9-702.

Arkansas Code Annotated 11-9-702 provides that if within six months after the filing of a claim for compensation, if no bona fide request for a hearing has been made with respect to the claim, the claim may upon motion and after a hearing, be dismissed without prejudice. Additionally, 11 C.A.R. 110 (d) provides that upon a meritorious application from either party in an action pending before the Commission, requesting that the claim be dismissed for want of prosecution, the Commission may, upon reasonable notice to all the parties, enter an order dismissing the claim for want of prosecution. Here, it is found that reasonable notice to all the parties was provided and that the Claimant has not made a bona fide request for a hearing within six months of the filing of her claim.

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 11 C.A.R. 110(d) of the Arkansas Workers' Compensation Commission and Arkansas Code Ann. 11-9-702, based upon the Claimant failing to prosecute her claim within the last six months and after a meritorious application to the Commission by the Respondent requesting that the claim be dismissed after reasonable notice to all parties.

IT IS SO ORDERED.

JAMES D. KENNEDY
ADMINISTRATIVE LAW JUDGE