

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

WCC NO. H402011

CARISA WILSON, Employee

CLAIMANT

JB HUNT TRANSPORT, Employer

RESPONDENT

ESIS, INC. Carrier/TPA

RESPONDENT

OPINION FILED JUNE 10, 2025

Hearing before ADMINISTRATIVE LAW JUDGE ERIC PAUL WELLS in Springdale, Washington County, Arkansas.

Claimant represented by JARID M. KINDER, Attorney at Law, Fayetteville, Arkansas; although waiving appearance at the hearing.

Respondent represented by JOSEPH H. PURVIS, Attorney at Law, Little Rock, Arkansas.

STATEMENT OF THE CASE

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

On April 22, 2024, Jarid Kinder, claimant's attorney, filed a Form AR-C requesting various compensation benefits in which she alleged injuries to her head on or about March 1, 2024. Mr. Kinder requested a hearing on May 30, 2024. A prehearing conference was held, and a hearing was scheduled for August 27, 2024. On August 12, 2024, the hearing was cancelled, and no further action has been taken in this claim.

On April 3, 2025, the respondents filed a Motion to Dismiss requesting that this claim be dismissed for lack of prosecution. A hearing was scheduled for May 20, 2025. Notice of that hearing was sent to the claimant by certified mail, return receipt requested on April 9, 2025. That notice was returned by the United States Postal Department with the notation, "Return to Sender. No Mail Receptacle. Unable to Forward." Mr. Kinder indicated by email dated April 7, 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 she 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.

ORDER

Pursuant to the above statement of the case and Commission Rule 099.13, I have no alternative but to dismiss this claim in its entirety, without prejudice, for failure to prosecute.

If respondents have not already done so, they are directed to pay the court reporter, Veronica Lane, her fees and expenses within thirty (30) days of receipt of her invoice.

IT IS SO ORDERED.

HONORABLE ERIC PAUL WELLS
ADMINISTRATIVE LAW JUDGE