

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

WCC NO. H405036

KELLY WOLF, Employee

CLAIMANT

PEA RIDGE SCHOOLS, Employer

RESPONDENT

ARKANSAS SCHOOL BOARDS ASSN., Carrier

RESPONDENT

OPINION/ORDER FILED AUGUST 12, 2025

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

Claimant represented by MARK ALAN PEOPLES, Attorney, Little Rock, Arkansas; although not present at hearing.

Respondent represented by CAROL LOCKARD WORLEY, Attorney, Little Rock, Arkansas.

OPINION/ORDER

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

On August 6, 2024, Mark Peoples, claimant's attorney, filed a Form AR-C requesting various compensation benefits in which she alleged injuries to her right shoulder; however, no hearing was requested. No further action was taken in this claim.

On May 8, 2025, the respondents filed a Motion to Dismiss requesting that this claim be dismissed for lack of prosecution. A hearing was scheduled for July 8, 2025. Notice of that hearing was sent to the claimant by certified mail, return receipt requested on May 16, 2025. That notice was returned by the United States Postal Department with the notation, "Return to Sender. No Such Number. Unable to Forward."

Mr. Peoples indicated by email dated May 16, 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."

Pursuant to 11 CAR §25-110(d) (previously codified as Commission Rule 099.13), the Commission may enter an order dismissing a claim for want of prosecution. After my review of the respondent's Motion to Dismiss, Mr. Peoples' 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 claimant has failed to prosecute this claim. Therefore, this claim is dismissed without prejudice.

IT IS SO ORDERED.

**HONORABLE ERIC PAUL WELLS
ADMINISTRATIVE LAW JUDGE**