

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION**

**CLAIM NO. H207215**

**COLUMBUS F. KINLEY, EMPLOYEE**

**CLAIMANT**

**BLACK, INC./BLUE SEAL PETROLEUM (STUTTGART),  
EMPLOYER**

**RESPONDENT**

**FARMINGTON CASUALTY CO., CARRIER/TPA**

**RESPONDENT**

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**OPINION FILED 30 AUGUST 2023**

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**Hearing before Administrative Law Judge JayO. Howe in Little Rock, Pulaski County, Arkansas, on Wednesday, 30 August 2023.**

**Claimant, Columbus F. Kinley, did not appear.**

**Mr. Guy Alton Wade, Attorney-at-Law of Little Rock, appeared on behalf of respondents.**

**STATEMENT OF THE CASE**

A hearing was held in the above-styled matter on 30 August 2023, in Little Rock, Arkansas, on respondents' Motion to Dismiss. This claim involves an alleged workplace injury that was denied as compensable by the respondents, who claimed that any injury occurred outside of the course and scope of employment.

The claimant was initially represented by counsel who filed an AR-C with the Commission on 6 January 2023. Discovery commenced and a prehearing telephone conference was set for 13 June 2023, but the claimant passed away unexpectedly, and from apparently unrelated causes, on 8 May 2023. Claimant's counsel communicated with the decedent's spouse on the pendency of this claim and subsequently moved to withdraw as counsel. That motion was granted by the Full Commission on 15 June 2023.

The record reflects that the respondents then moved for a dismissal on 22 June 2023. Notice was sent on the motion's hearing, and no response was received from anyone acting

on the claimant's behalf. At the time of the hearing, Mr. Wade represented that he had not been made aware of any attempt to substitute an administrator for an estate in this action or any other efforts along those lines by someone resisting the dismissal of this matter. A copy of the claimant's death certificate and other relevant records were admitted without objection as "Respondents' Exhibit No 1" at the hearing.

Based on the record, available evidence, and argument of counsel, I am inclined to find that the Motion to Dismiss should be granted and the matter should be dismissed without prejudice.

**ORDER**

Pursuant to the above, I find that the Motion to Dismiss should be granted and this matter should be dismissed without prejudice at this time.

SO ORDERED.

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JAYO. HOWE  
ADMINISTRATIVE LAW JUDGE