BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION
CLAIM NO. H506801

BLANCA CASTRO, Employee	**CLAIMANT**
DRIFTWOOD HOSPITALITY MANAGEMENT II,LLC, Employer	**RESPONDENT**
STARR INDEMNITY & LIABILITY CO. **Insurance Carrier**	**RESPONDENT**
GALLAGHER BASSETT SERVICES, INC. **Third Party Administrator**	**RESPONDENT**

OPINION AND ORDER FILED SEPTEMBER 23, 2026

A Hearing before Administrative Law Judge James D. Kennedy in Springdale, Arkansas, was held on September 9, 2026.

Claimant was represented by Evelyn E. Brooks, Attorney at Law, of Fayetteville, Arkansas, who waived her right of appearance.

Respondents were represented by Rick Behring, Jr., Attorney at Law, of Little Rock, Arkansas.

STATEMENT OF THE CASE

A hearing was held in the above styled matter on the 9th day of August 2026, in Springdale, Arkansas, on Respondent's Motion to Dismiss for failure to prosecute pursuant to 11 C.A.R. §25-110(d), previously named Rule 099.13 of the Arkansas Workers' Compensation Commission and Arkansas Code Ann.§11-9-702. The claimant failed to appear and waived her appearance by her attorney, Evelyn Brooks. The Respondents were represented by Rick Behring, Jr. of Little Rock, Arkansas.

A Motion to Dismiss was filed on May 22, 2026. A Form AR- C was filed by claimant's former attorney on or about October 24, 2025, alleging that claimant had suffered a gradual onset injury to her thumb, while working for the respondent employer, and requesting benefits. Respondent's propounded Interrogatories and Requests for

Production of Documents to the Claimant, but Claimant has not provided full and complete discovery responses. On December 9, 2025, the Claimant (through her former attorney) requested a hearing, and the parties provided prehearing responses to the Prehearing Questionnaire. A Prehearing Order was filed on March 26, 2026, setting a hearing for June 4 of 2026. In light of the hearing request, the Respondents again requested full and complete discovery responses and eventually requested the deposition of the claimant. On April 26, 2026, the Claimant thru her attorney, requested that the scheduled hearing be cancelled. The hearing was cancelled by the Commission and returned to general files on April 27, 2026. The Respondents then filed a Motion to Dismiss on May 22, 2026, contending that the claim should be dismissed pursuant to 11 C.A.R. §25-110(d)of the Arkansas Workers' Commission and A.C.A. §11-9-702(d) after a failure to prosecute her claim for a period of six months, if no bona fide request for a hearing has been made. The attorney for the claimant communicated with the Commission and the Respondents stating that although the Claimant wished to pursue her claim, she understands the issues in place and does not object to a dismissal without prejudice. It is found that the Claimant has not sought any type of bona fide hearing before the Workers' Compensation Commission for over six months.

After proper and reasonable notice, a hearing was held on September 8, 2026, and the Claimant waived her appearance. The Respondents were represented by Rick Behring, Jr., who requested that the matter be dismissed pursuant to 11 C.A.R. §25-110(d)of the Arkansas Workers' Compensation Commission and the provisions of Arkansas Code Ann. §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 11 C.A.R. §25-110(d)of the Arkansas Workers' Compensation Commission and A.C.A. §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. If not already paid, the respondents are ordered to pay the applicable fee to the court reporter.

IT IS SO ORDERED.

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JAMES D. KENNEDY
ADMINISTRATIVE LAW JUDGE