BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION
CLAIM NO. H504523

DAVID DAVIS, EMPLOYEE	**CLAIMANT**
KATHERINE'S PLACE AT WEDINGTON, Employer	**RESPONDENT**
ASIT/CCMSI, Carrier/TPA	**RESPONDENT**

OPINION FILED AUGUST 12, 2026

Hearing before Administrative Law Judge James D. Kennedy in Springdale, Arkansas on July 21, 2026.

Claimant waived his right to appear.

Respondents are represented by Melissa Wood, of Little Rock, Arkansas.

STATEMENT OF THE CASE

A hearing was held in the above styled matter on July 22, 2026, in Springdale, Arkansas on respondent's Motion to Dismiss for failure to prosecute pursuant to A.C.A. §11-9-702 and Rule 099.13 of the Arkansas Workers' Compensation Act now named 11 C.A.R. §25-110(d). The claimant was represented by Jarid M. Kinder of Fayetteville, Arkansas, and waived the claimant's right to appear. The Claimant filed a Form AR–C, on July 22, 2025, asking for all available benefits. A First Report of Injury was filed on August 4, 2025, which provided that the claimant suffered a strain or tear involving the lumbar back. An AR-2 was also filed on the same date which provided that the claim was a compensable low back injury and all benefits were being paid. The claim was described as a medical-only claim at the time of the Motion to Dismiss hearing. A full hearing had been requested and a Prehearing Order dated May 14, 2026, set the matter for a hearing on July 22, 2026, but the hearing was cancelled at the request of the claimant.

A Motion to Dismiss had been filed on January 23, 2024, and the Motion to Dismiss hearing was then set for July 22, 2026, after the cancellation of the full hearing. The Motion to Dismiss requested that the matter be dismissed for failure to prosecute pursuant to A.C.A. §11-9-702(a) (4) and 11 C.A.R. §25 – 110(d). The claimant had cancelled his full hearing date, and more than six months had passed since the filing of the original claim.

Appropriate notice was provided to the claimant notifying him that a hearing on the Motion to Dismiss was set for July 22, 2026, in Springdale, Arkansas. The claimant waived his right to appear at the time of the Motion to Dismiss hearing. At the time of the hearing, Melissa Wood of Little Rock, Arkansas, appeared on behalf of the respondent and asked that the matter be dismissed for lack of prosecution.

After a review of the record as a whole, to include all evidence properly before the Commission, and having an opportunity to hear the statements of the attorney for the respondent, it is found that this matter should be dismissed without prejudice, for failure to prosecute pursuant to A.C.A. §11-9-702 and 11 C.A.R. §25-110(d) of the Arkansas Workers' Compensation Act.

ORDER

Pursuant to the above statement of the case, there is no alternative but to dismiss this claim in its entirety, without prejudice, for failure to prosecute.

IT IS SO ORDERED.

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JAMES D. KENNEDY
ADMINISTRATIVE LAW JUDGE