

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. H300915

TIFFANY L. EDINGTON, EMPLOYEE

CLAIMANT

**BAXTER COUNTY REGIONAL HOSPITAL,
INC., EMPLOYER**

RESPONDENT

RISK MANAGEMENT RESOURCES, TPA

RESPONDENT

OPINION AND ORDER FILED NOVEMBER 4, 2025

The Hearing before Administrative Law Judge James D. Kennedy was held in Little Rock, Arkansas, on October 21, 2025.

Claimant was represented by Frederick S. "Rick" Spencer.

Respondents were represented by Carol Lockard Worley, of Little Rock, Arkansas.

STATEMENT OF THE CASE

A hearing was held in the above styled matter on the 21st day of October, 2025, in Little Rock, Arkansas, on Respondent's Motion to Dismiss for failure to prosecute pursuant to Ark. Code Ann. 11-9 -702 and 11 C.A.R. 25 – 110(d) of the rules of the Arkansas Workers' Compensation, formally known as Rule 099.13. The Claimant was represented by Frederick S. "Rick" Spencer and Claimant waived her right to appear. The Respondents were represented by Carol Lockard Worley of Little Rock, Arkansas, who introduced 11 pages of documents that were admitted into the evidentiary record.

The documents included a First Report of Injury, which provided that the date of the injury was January 26, 2023. An AR-2 Form provided that the right shoulder was injured and that the first day of disability was January 27, 2023. An AR-C Form was filed on March 25, 2024, which provided that the claimant was injured while lifting an obese patient. A Motion to Dismiss was filed on or about August 26, 2025, contending that the

Claimant had failed to prosecute her claim and requested that an Order be entered dismissing the claim.

The Claimant through her attorney initially objected to the Motion to Dismiss, but later responded by letter that “Since the Respondent has agreed to allow the Claimant to have a follow up appointment with Dr. Wesley Cox, the Claimant has no objection to the Motion to Dismiss Without Prejudice” and further notified the Commission by email that the Claimant would not be attending the “MTD hearing.”

An appropriate notice to the parties was provided and a hearing was held on October 21, 2025, where the claimant waived her appearance. The Respondents were represented by Carol Worley, who requested that the matter be dismissed pursuant to Ark. Code Ann. 11- 9-702 and 11 C.A.R. 25-110(d) of the Arkansas Workers’ Compensation Commission.

ORDER

Pursuant to the above statement of the case, as well as the documents entered into the evidentiary 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 CAR 25-110(d) of the Arkansas Workers’ Compensation Commission and Ark. Code Ann. 11-9-702.

IT IS SO ORDERED.

JAMES D. KENNEDY
ADMINISTRATIVE LAW JUDGE