

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. H207959

JONATHON GREGORY, EMPLOYEE

CLAIMANT

WHITE HALL SCHOOL DISTRICT, EMPLOYER

RESPONDENT

AR SCHOOL BOARDS ASSOC. WCT, CARRIER/TPA

RESPONDENT

OPINION FILED 25 OCTOBER 2023

Hearing before Administrative Law Judge JayO. Howe in Little Rock, Pulaski County, Arkansas, on Wednesday, 25 October 2023.

Mr. Mark Alan Peoples, Attorney-at-Law of Little Rock, Arkansas, represents the claimant and waived his appearance.

Ms. Melissa Wood, Attorney-at-Law of Little Rock, Arkansas, appeared on behalf of respondents.

STATEMENT OF THE CASE

A hearing was held in the above-styled claim on 25 October 2023, in Little Rock, Arkansas, on respondents' Motion to Dismiss this matter. This claim involves an alleged workplace injury occurring on 25 August 2022.

A Form AR-C was filed with the Commission on 9 November 2022 by the claimant's counsel Mr. Mark Alan Peoples. A Form AR-2 was filed with the Commission on 10 November 2022 accepting the medical-only claim.

In January of 2023, the claimant requested a hearing before an Administrative Law Judge. That request was withdrawn via an email from Mr. Peoples on 21 February 2023. A Change of Physician was granted by the Medical Cost Containment Division on 10 March 2023.

On 15 August 2023, the respondents moved for a dismissal without prejudice for the claimant's failure to prosecute his claim. As argued in the respondents' Motion, the file

reflects no request for a hearing on the claim in the relevant time preceding the filing of that Motion. Appropriate notice of the Motion was sent to the claimant, and on 16 August 2023 he communicated, through counsel, that he did not intend to resist the Motion so long as the dismissal was without prejudice. After the hearing on the Motion was set and notice was sent, the claimant communicated on 19 September 2023, again through counsel, that he intended to waive his appearance at the hearing.

The respondents appeared today to present their unopposed Motion to Dismiss. Based on the record, available evidence, and argument of counsel, I find that the Motion to Dismiss should be granted and that the matter should be dismissed without prejudice.

ORDER

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

SO ORDERED.

JAYO. HOWE
ADMINISTRATIVE LAW JUDGE