

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

WCC NO. G109153

WHITNEY HARDER, Employee	CLAIMANT
WASHINGTON REGIONAL MEDICAL CENTER, Employer	RESPONDENT
RISK MANAGEMENT RESOURCES, Carrier/TPA	RESPONDENT

OPINION FILED APRIL 18, 2023

Hearing before ADMINISTRATIVE LAW JUDGE ERIC PAUL WELLS in Springdale, Washington County, Arkansas.

Claimant represented by JARID M. KINDER, Attorney at Law, Fayetteville, Arkansas; although waiving appearance at the hearing.

Respondent represented by MELISSA WOOD, Attorney at Law, Little Rock, Arkansas.

STATEMENT OF THE CASE

This case comes on for review following a hearing on respondents' Motion to Dismiss.

On June 4, 2020, Jarid M. Kinder, claimant's attorney, filed a Form AR-C requesting various compensation benefits; however, no hearing was requested. A review of the Commission file indicates that a Motion to Dismiss was filed by the respondents on May 26, 2021, requesting the claim be dismissed for lack of prosecution. Mr. Kinder filed a hearing request on behalf of the claimant on June 30, 2021. The Motion to Dismiss was held in abeyance and a hearing was held on December 7, 2021. An opinion was filed on March 4, 2022, and a Full Commission opinion was filed on August 17, 2022.

A Motion to Dismiss was filed by the respondents on September 26, 2022, again requesting the claim be dismissed for lack of prosecution. The scheduling of the Motion to Dismiss hearing was delayed due to a mileage issue. Mr. Kinder sent an email on January 6, 2023, indicating all issues had been resolved and the claimant had no objection to the dismissal

without prejudice. A hearing notice was sent to all parties on January 11, 2023, setting this matter for a dismissal hearing on February 28, 2023. On February 27, 2023, Mr. Kinder confirmed via email that the claimant had received the notice of hearing and that all issues had been resolved. Both he and the claimant waived their appearance at the hearing.

Given the claimant's response in this matter as set forth by Mr. Kinder in his email dated February 27, 2023, indicating that the claimant had no objection to the dismissal of this claim without prejudice, I find that it is appropriate to dismiss this claim.

After my review of respondents' Motion to Dismiss and all other matters properly before the Commission, I find that respondents' Motion to Dismiss this claim should be and hereby is granted pursuant to Commission Rule 099.13. This dismissal is without prejudice.

IT IS SO ORDERED.

HONORABLE ERIC PAUL WELLS
ADMINISTRATIVE LAW JUDGE