

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION
CLAIM NO.: H004377**

MARY R. IVY, Employee	CLAIMANT
POST CEREAL, LLC, Employer	RESPONDENT
ARCH INSURANCE COMPANY, Carrier	RESPONDENT
GALLAGHER BASSETT SERVICES, INC., TPA	RESPONDENT

OPINION AND ORDER FILED OCTOBER 19, 2021

Hearing conducted before ADMINISTRATIVE LAW JUDGE TERRY DON LUCY, in Craighead County, Arkansas.

Counsel for the Claimant: HONORABLE PHILLIP J. WELLS, Attorney at Law, Jonesboro, Arkansas.

Counsel for the Respondents: HONORABLE JARROD S. PARRISH, Attorney at Law, Little Rock, Arkansas.

The above-captioned matter came on for a hearing on October 8, 2021, before the undersigned Administrative Law Judge with respect to the Respondents' Motion to Dismiss filed on August 23, 2021. The Claimant appeared for such in person along with her Counsel. The Respondents are represented by the Honorable Jarrod S. Parrish. During the hearing, the Commission's file was deemed incorporated by reference into the record without objection. (TR 3)

Thereafter, the Claimant and her Counsel explained that while the parties had previously entertained a voluntary dismissal via interrogatories, the Claimant's circumstances have recently changed such that she is no longer agreeable to a voluntary dismissal and expects to pursue her claim further at a future point. Accordingly, the Claimant and her Counsel likewise formally objected to the Respondents' motion. (TR 4-6) As a result, the Respondents' motion was denied from the bench with advisement to the Claimant that her claim would be returned to the

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Commission's open general files. (TR 6-7)

Consequently, based on the foregoing discussion and the record herein, the Respondents' Motion to Dismiss is hereby respectfully denied. This matter will be returned to the Commission's general files and no further action will be taken unless the Clerk of the Commission is advised, in writing, of an additional hearing request.

The Respondents are ordered and directed to pay the Court Reporter's appearance fee within thirty days of billing pursuant to Rule 099.20 of the Arkansas Workers' Compensation Commission.

IT IS SO ORDERED.

TERRY DON LUCY
Administrative Law Judge