

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. H407417

**HALEY KLINGSMITH, EMPLOYEE
CARE MANOR NURSING & REHAB,
EMPLOYER**

CLAIMANT

RESPONDENT

ASIT/CCMSI, CARRIER/TPA

RESPONDENT

OPINION AND ORDER FILED JULY 30, 2025

The Hearing before Administrative Law Judge James D. Kennedy in Mountain Home, Arkansas, was held on July 16, 2025.

Claimant was pro-se and failed to appear.

Respondents were represented by Jarrod Parrish, of Little Rock, Arkansas.

STATEMENT OF THE CASE

A hearing was held in the above styled matter on the 16th day of July, 2025, in Mountain Home, Arkansas, on Respondent's Motion to Dismiss for failure to prosecute pursuant to Arkansas Code Ann. 11-702 and Rule 099.13 of the Arkansas Workers' Compensation Commission. The claimant was pro se and failed to appear on her own behalf. The respondents were represented by Jarrod Parrish of Little Rock, Arkansas.

A Form-C was filed by the Claimant on October 15, 2024, which provided that the claimant had injured her left knee, leg, and hip. A First Report of Injury was filed on November 25, 2024, which provided that the claimant had sprained her left knee. A medical report from the Bone and Joint Clinic, dated November 27, 2024, stated that the claimant was being followed for a strain of her left knee. The report further provided that the claimant did not show for physical therapy and when the clinic attempted to contact her, she did not return their calls.

The Claimant was originally represented by Mark Peoples, who was allowed to withdraw by an Order of the Full Commission, dated December 16, 2024. A Motion to Dismiss For Failure to Prosecute was filed on May 13, 2025, alleging that the matter should be dismissed due to a failure to prosecute pursuant to Rule 099.13 of the Arkansas Workers' Compensation Commission and also Arkansas Code Ann. 11-9-702 which provides for dismissal of a claim if no bona fide request for a hearing has been made within six (6) months of the filing of the claim. The Claimant failed to file a response to the Motion to Dismiss so an appropriate notice of a Motion to Dismiss hearing was provided to the Claimant setting the hearing for July 16, 2025, at 11:00 a.m., in Mountain Home Arkansas.

A hearing was held on July 16, 2025, and the claimant failed to appear. The Respondents were represented by Jarrod Parrish, who requested that the matter be dismissed pursuant to Rule 099.13 of the Arkansas Workers' Compensation Commission and Arkansas Code Ann. 11-9-702.

ORDER

Pursuant to the above statement of the case, documents entered into the record, and statements by the Attorney for the Respondents, there is no alternative but to grant the Motion to Dismiss without prejudice pursuant to Rule 099.13 of the Arkansas Workers' Compensation Commission and Arkansas Code Ann. 11-9-702.

IT IS SO ORDERED.

JAMES D. KENNEDY
ADMINISTRATIVE LAW JUDGE