

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION**

**AWCC FILE N<sup>o</sup> H201744**

**WILLIE L. LEWIS, EMPLOYEE**

**CLAIMANT**

**CENTRAL MALONEY, INC.,  
SELF-INSURED EMPLOYER**

**RESPONDENT**

**RISK MANAGEMENT RESOURCES,  
THIRD PARTY ADMINISTRATOR**

**RESPONDENT**

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**OPINION FILED 17 DECEMBER 2024**

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Heard before Arkansas Workers' Compensation Commission (AWCC) Administrative Law Judge JayO. Howe on 11 December 2024 in Little Rock, Arkansas.

Ms. Sheila F. Campbell waived her appearance for the claimant.

Worley, Wood & Parrish, P.A., Mr. Jarrod Parrish, appeared for the respondents.

**STATEMENT OF THE CASE**

A hearing on the respondents' Motion to Dismiss was held on this matter in Little Rock, Arkansas, on 11 December 2024. This case relates to an alleged workplace injury sustained on or about 25 October 2021. A First Report of Injury was filed by the respondents on 9 March 2022, and A Form AR-2 was filed the same day, denying the claim. Prior to those filings, a Form AR-C was filed by the claimant on 28 February 2022 claiming injuries to the claimant's back. See Respondents' Exhibit N<sup>o</sup> 1.

The respondents filed a Motion to Dismiss for Failure to Prosecute on 17 September 2024, citing the applicable statute and rule. In email correspondence dated 2 December 2024, the claimant advised that he did not object to the respondents' motion for dismissal and waived his appearance at the hearing. *Id.*

The respondents appeared on 11 December 2024, presented their motion, and offered supporting evidence into the record. As argued by the respondents at the hearing, the file reflects no request for a hearing on a claim in the relevant time preceding the filing of their motion. And the claimant does not object to the dismissal of this claim.

Ark. Code Ann. § 11-9-702(a)(4) states that a matter may be dismissed without prejudice after six months without a bona fide request for a hearing. Our Rule 99.13 provides for a dismissal for failure to prosecute an action upon application by either party. Based on the record, the available evidence, and the arguments of the respondents' counsel, I find that the respondents' Motion to Dismiss should be granted and that the matter should be dismissed without prejudice.

**ORDER**

The Motion to Dismiss is GRANTED, and this matter is DISMISSED WITHOUT PREJUDICE.

**SO ORDERED.**

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JAYO. HOWE  
ADMINISTRATIVE LAW JUDGE