

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. H302634

JAMES MARTIN (DEC'D.), Employee	CLAIMANT
PERNOD RICARD USA LLC, Employer	RESPONDENT
LIBERTY MUTUAL INSURANCE CO., Carrier	RESPONDENT

OPINION/ORDER FILED JANUARY 10, 2024

Hearing before ADMINISTRATIVE LAW JUDGE GREGORY K. STEWART in Fort Smith, Sebastian County, Arkansas.

Claimant represented by EDDIE H. WALKER, JR., Attorney, Fort Smith, Arkansas; although not appearing at hearing.

Respondents represented by RICK BEHRING, JR., Attorney, Little Rock, Arkansas.

OPINION/ORDER

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

On January 24, 2023, claimant suffered an injury to his back. On April 24, 2023, claimant filed Form AR-C requesting additional compensation benefits and a change of physician. Apparently, in June 2023 respondent received notice that claimant had passed away from a condition unrelated to his claim. As a result, respondent filed a motion to dismiss this claim on October 23, 2023.

By letter dated November 29, 2023, Mr. Walker acknowledged the passing of the claimant and indicated that under the circumstances he had no objection to dismissal of

the claim without prejudice.

Based on my review of the respondent's motion, the letter from Mr. Walker dated November 29, 2023, and all other matters properly before the Commission, I find that respondent's 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.

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GREGORY K. STEWART  
ADMINISTRATIVE LAW JUDGE