BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

WCC NO. H407096

KIMBERLY MCCASLAN, Employee **CLAIMANT**

ALMA SCHOOL DISTRICT, Employer **RESPONDENT**

ARKANSAS SCHOOL BOARDS ASSN., Carrier **RESPONDENT**

OPINION FILED OCTOBER 6, 2026

Hearing before ADMINISTRATIVE LAW JUDGE ERIC PAUL WELLS, in Fort Smith, Sebastian County, Arkansas.

Claimant represented by MATTHEW J. KETCHAM, Attorney, Fort Smith, Arkansas; although not present at hearing.

Respondent represented by JARROD S. PARRISH Attorney, Little Rock, Arkansas.

OPINION

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

On October 30, 2024, Matthew Ketcham, claimant's attorney, filed a Form AR-C requesting various compensation benefits in which the claimant alleged an injury to her neck and back on or about October 30, 2022. No further action was taken in this claim.

On July 1, 2026, the respondents filed a Motion to Dismiss requesting that this claim be dismissed for lack of prosecution. A hearing was scheduled for September 10, 2026. Notice of that hearing was sent to the claimant by certified mail, return receipt requested on July 30, 2026. United States Postal Department records indicate that claimant received and signed for the notice on August 13, 2026.

Mr. Ketcham indicated by email dated July 30, 2026, that he would waive his appearance at the hearing and further indicated that he had no objection to the Motion to Dismiss "without prejudice."

Pursuant to 11 CAR §25-110(d) (previously codified as Commission Rule 099.13), the Commission may enter an order dismissing a claim for want of prosecution. After my review of the respondent's Motion to Dismiss, Mr. Ketcham's response thereto he had no objection to the Motion to Dismiss without prejudice, and the claimant's failure to appear at the scheduled hearing, as well as all other matters properly before the Commission, I find that claimant has failed to prosecute this claim. Therefore, this claim is dismissed without prejudice.

IT IS SO ORDERED.

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HONORABLE ERIC PAUL WELLS
ADMINISTRATIVE LAW JUDGE