

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. H 001670 & H 010040

ASHLEY PERRYMAN, EMPLOYEE

CLAIMANT

**ARKANSAS DEPT. OF VETERANS AFFAIRS,
EMPLOYER**

RESPONDENT

**PUBLIC EMPLOYEE CLAIMS DIVISION,
CARRIER/TPA**

RESPONDENT

OPINION FILED NOVEMBER 7th, 2023

Hearing before Administrative Law Judge James D. Kennedy in Little Rock, Arkansas, on November 7, 2023.

Claimant is represented by George Bailey of Little Rock, Arkansas.

Respondents are represented by Charles McLemore of Little Rock, Arkansas.

STATEMENT OF THE CASE

A hearing was held in the above styled matter on November 7, 2023, in Little Rock, Arkansas, on respondent's Motion to Dismiss for failure to prosecute. The claimant had waived her right to a hearing in regard to the Motion to Dismiss and had signed and approved an Order to Dismiss her claims without prejudice. The orders were also approved by her attorney but had not been returned to the Commission at the time of the hearing. George Bailey, the attorney for the claimant, appeared on her behalf and stated that he had been given permission by the claimant to dismiss the claims without prejudice. Charles McLemore appeared on behalf of the respondents in regard to the Motion to Dismiss. Based upon the statements of the attorneys, it appears that the parties are in agreement the above styled claim should be dismissed without prejudice.

The hearing was held on November 7th, after proper notice. After a review of the record as a whole to include all evidence properly before the Commission and having had an opportunity to hear the statements of the both the claimant's and respondent's

attorney, the Motion to Dismiss is granted at this time, without prejudice, pursuant to A.C.A. 11-9-702 (a) (4) and 11- 9- 702 (d).

ORDER

Pursuant to the above, the Motion to Dismiss is granted without prejudice in regard to the above styled claims.

IT IS SO ORDERED:

JAMES D. KENNEDY
ADMINISTRATIVE LAW JUDGE