

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

WCC NO. H504236

PAUL SCOTT (DEC'D), Employee	CLAIMANT
THE OIL DOCTOR, Employer	RESPONDENT
MARKEL SERVICE, INC., Carrier	RESPONDENT

OPINION/ORDER FILED OCTOBER 14, 2025

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

Claimant represented by JARID M. KINDER, Attorney, Fayetteville, Arkansas; although not present at hearing.

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

OPINION/ORDER

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

On July 9, 2025, Jarid Kinder, claimant's attorney, filed a Form AR-C requesting various compensation benefits in which he alleged a traumatic brain injury resulting in death on March 17, 2025; however, no hearing was requested. No further action was taken in this claim.

On July 22, 2025, the respondents filed a Motion to Dismiss requesting that this claim be dismissed for lack of prosecution. A hearing was scheduled for September 18, 2025. Notice of that hearing was sent to the claimant by certified mail, return receipt requested on August 12, 2025. United States Postal Department records indicate that claimant received and signed for the notice on August 18, 2025.

Mr. Kinder indicated by email dated August 12, 2025, 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. Kinder's response thereto that 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.

**HONORABLE ERIC PAUL WELLS
ADMINISTRATIVE LAW JUDGE**