

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION**

**AWCC FILE No H301869**

**SHARON SIMPSON, EMPLOYEE**

**CLAIMANT**

**ST. VINCENT INFIRMARY MEDICAL CENTER,  
EMPLOYER,**

**RESPONDENT**

**INDEMNITY INS. CO. OF NORTH AMERICA, CARRIER/  
SEDGWICK CLAIMS MANAGEMENT, TPA**

**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.

The *pro se* claimant did not appear.

The Ryburn Law Firm, Mr. Jason Ryburn, 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 16 March 2023. A First Report of Injury was filed by the respondents on 21 March 2023, and A Form AR-2 was filed the following day, controverting a right shoulder injury as pre-existing. A Form AR-C was eventually filed by the claimant, through counsel, on 18 July 2023 claiming injuries to the claimant's shoulder. The claimant's counsel subsequently sought to withdraw from the matter, and that motion was granted by an Order from the Full Commission dated 30 August 2024.

The respondents filed a Motion to Dismiss for Failure to Prosecute on 23 October 2024, citing the applicable statute and rule. 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. The claimant did not appear to resist the dismissal of her 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