BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION
CLAIM NO. H301270

ANTHONY TIERNEY, EMPLOYEE	**CLAIMANT**
KIMMONS JR. HIGH, EMPLOYER,	**RESPONDENT**
ARKANSAS SCHOOL BOARDS, ASSN.	**RESPONDENT**

OPINION AND ORDER FILED SEPTEMBER 16, 2026

A Hearing before Administrative Law Judge James D. Kennedy in Fort Smith, Arkansas, was held on September 8, 2026.

Claimant was represented by Michael L. Ellig, Attorney at Law, of Fort Smith and waived his right of appearance.

Respondents were represented by Guy Alton Wade, Attorney at Law, of Little Rock, Arkansas.

STATEMENT OF THE CASE

A hearing was held in the above styled matter on the 8th day of August 2026, in Fort Smith, Arkansas, on Respondent's Motion to Dismiss for failure to prosecute pursuant to 11 C.A.R. §25-110(d) which was previously named Rule 099.13 of the Arkansas Workers' Compensation Commission and Arkansas Code Ann.§11-9-702. The claimant failed to appear and waived his appearance and was represented by Michael L. Ellig. The Respondents were represented by Guy Alton Wade of Little Rock, Arkansas.

A Motion to Dismiss was filed on or about June 17, 2026. A First Report of Injury had been filed on or about February 14, 2023, and a Form AR-C was filed by the claimant's attorney on May 24, 2024, contending that the claimant's neck, back and left shoulder were injured while breaking up a fight at school. Claimant obtained a Change of Physician on or about June 12, 2024. The claim was accepted as compensable, and appropriate benefits have been paid, with claimant receiving a 2% PPD rate involving his

left knee and left shoulder. The Claimant has not sought any type of bona fide hearing before the Workers' Compensation Commission over the last six months.

After proper and reasonable notice, a hearing was held on September 8, 2026, and the Claimant waived his appearance and failed to appear. The Respondents were represented by Guy Alton Wade, who requested that the matter be dismissed pursuant to 11 C.A.R. §25-110(d) of the Arkansas Workers' Compensation Commission and the provisions of Arkansas Code Ann. §11-9-702.

ORDER

Pursuant to the above statement of the case, documents entered into the record, and statements by the Attorney for the Respondents, there is no alternative but to grant the Motion to Dismiss without prejudice pursuant to 11 C.A.R. §25-110(d) of the Arkansas Workers' Compensation Commission and A.C.A. §11-9-702, based upon the Claimant failing to prosecute his claim within the last six months and after a meritorious application to the Commission by the Respondent requesting that the claim be dismissed after reasonable notice to all parties. If not already paid, the respondents are ordered to pay the applicable fee to the court reporter.

IT IS SO ORDERED.

_____

JAMES D. KENNEDY
ADMINISTRATIVE LAW JUDGE