

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION  
CLAIM NO. H000859**

**TAMMY D. WALKER, EMPLOYEE**

**CLAIMANT**

**PRACTICE PLUS, EMPLOYER**

**RESPONDENT**

**BAPTIST MEDICARE, INC./ CLAIMS ADMINISTRATIVE  
SERVICES, INSURANCE CARRIER/TPA**

**RESPONDENT**

**OPINION FILED FEBRUARY 5, 2021**

**Hearing before Administrative Law Judge James D. Kennedy in Little Rock, Arkansas.**

**Claimant is represented by her attorney, Whitney James.**

**Respondents are represented by their attorney, Jarrod Parrish.**

**STATEMENT OF THE CASE**

A hearing was held in the above-styled matter on February 4, 2021, in Little Rock, Arkansas on Respondents' Motion to Dismiss for failure to prosecute pursuant to Ark. Code Ann. § 11-9-702 and Rule 099.13 of the Arkansas Workers' Compensation Act. The claimant was represented by Whitney James and waived her right to appear and stated through her representative that she did not object to a dismissal without prejudice. The claim involved an injury which occurred on or about January 29, 2020. The respondents stipulated that an employer/employee relationship existed on that date. Further, the respondents contend that more than six (6) months have passed since the claimant filed a Form AR-C with the Commission and the claimant has not sought any type of hearing before the Arkansas Workers' Compensation over the last six (6) months; this lack of action led to the filing of a Motion to Dismiss. It is also noted that a previous Motion to Dismiss was filed in this matter and that this matter was previously dismissed

without prejudice after a hearing was held on January 5, 2021, and an Order was entered on the same date.

An appropriate notice setting this matter for a hearing for a Motion to Dismiss was provided to the claimant by both certified and regular mail. A hearing was set for February 4, 2021, in regard to the Motion to Dismiss. The claimant filed a response stating that they had no objection to the matter being dismissed without prejudice and that they would not appear on the hearing date in Little Rock, Arkansas. At the time of the hearing, Jarrod Parrish appeared on behalf of the respondents and asked that the matter be dismissed for lack of prosecution.

After a review of the record as a whole, to include all evidence properly before the Commission, and having an opportunity to hear the statements of the attorney for the respondent, there is no alternative but to find that this matter should be dismissed for failure to prosecute pursuant to Ark. Code Ann. § 11-9-702 and Rule 099.13 of the Arkansas Workers' Compensation Act.

**ORDER**

Pursuant to the above statement of the case, there is no alternative but to dismiss this claim in its entirety, without prejudice, for failure to prosecute.

**IT IS SO ORDERED.**

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**JAMES D. KENNEDY**  
**ADMINISTRATIVE LAW JUDGE**