

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION**

**CLAIM NO. H102436**

**VALERIE F. WHITE, EMPLOYEE**

**CLAIMANT**

**DESHA COUNTY. EMPLOYER**

**RESPONDENT**

**AAC, AAC RMS CARRIER/TPA**

**RESPONDENTS**

**OPINION FILED MAY 1, 2023**

**Hearing before Administrative Law Judge JayO. Howe in McGehee, Desha County, Arkansas, on April 27, 2023.**

**Mr. Mark Alan Peoples of Little Rock, Arkansas, waived his appearance on behalf of the claimant.**

**Mr. Jason M. Ryburn of Little Rock, Arkansas, appeared on behalf of the respondents.**

**STATEMENT OF THE CASE**

A hearing was held in the above-styled matter on April 27, 2023, in McGehee, Arkansas, on the respondents' Motion to Dismiss for failure to prosecute pursuant to Arkansas Code Ann. § 11-9-702 and/or Rule 099.13 of the Arkansas Workers' Compensation Act. The claim involves an alleged workplace injury occurring on or about November 27, 2020. An employer/employee relationship existed at the time, and the respondents accepted and paid benefits on a right shoulder injury. A Form C was filed on January 26, 2022.

The respondents filed this Motion to Dismiss on March 10, 2023. The motion stated that the claimant was released from care for the shoulder injury on April 18, 2022, without restrictions or an impairment rating. It further stated that no request for hearing or other effort to prosecute the claim was made in the six (6) months preceding the Motion's filing. By way of email communication with the Commission and the respondents' counsel, dated March 14, 2023, Mr. Peoples informed that his client did not oppose a dismissal without prejudice.

Based on the record, statements of counsel, and the available evidence, I find that the Motion to Dismiss should be granted for the claimant's lack of prosecution and that the matter should be dismissed *without* prejudice.

**ORDER**

Pursuant to the above, the Motion to Dismiss should be granted and this matter should be dismissed without prejudice at this time.

SO ORDERED.

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JAYO. HOWE  
ADMINISTRATIVE LAW JUDGE