

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

WCC NO. H404732

TIMOTHY WISE, Employee

CLAIMANT

T&J SPECIALTY, Employer

RESPONDENT

ACCIDENT FUND INS. CO., Carrier/TPA

RESPONDENT

OPINION FILED OCTOBER 28, 2025

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

Claimant represented by KENNETH J. KIEKLAK, Attorney at Law, Fayetteville, Arkansas.

Respondent represented by GUY ALTON WADE, Attorney at Law, Little Rock, Arkansas.

STATEMENT OF THE CASE

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

On August 15, 2024, the claimant's attorney, Kenneth Kieklak, filed an AR-C requesting various compensation benefits in which he alleged injuries to his head and bilateral wrists on or about July 22, 2024. The claim was accepted as compensable, and all related benefits were paid. No further action was taken regarding this claim.

On May 22, 2025, the respondents filed a Motion to Dismiss requesting that this claim be dismissed for lack of prosecution. A hearing was scheduled for October 2, 2025. Notice of that hearing was sent to the claimant by certified mail, return receipt requested on August 4, 2025. United States Postal Department records indicate that claimant received and signed for the notice on August 6, 2025. Claimant did not appear at the scheduled hearing. Claimant's attorney did

appear at the hearing and set forth that she had no objection to the dismissal of the claimant's claim as all appropriate benefits had been paid.

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 respondents' Motion to Dismiss, the claimant's attorney's agreement to the dismissal, and 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.

ERIC PAUL WELLS
ADMINISTRATIVE LAW JUDGE