

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION
WCC NO. H503219**

**STEVEN L. ARMSTRONG,
EMPLOYEE**

CLAIMANT

**COSTCO WHOLESALE CORP.,
EMPLOYER**

RESPONDENT

**SAFETY NATIONAL CASUALTY CORP.,
CARRIER**

RESPONDENT

**HELMSMAN MANAGEMENT SERVICES, LLC,
TPA**

RESPONDENT

OPINION FILED APRIL 29, 2026

Hearing conducted on Friday, March 31, 2026, before the Arkansas Workers' Compensation Commission (the Commission), Administrative Law Judge (ALJ) Steven Porch, in Little Rock, Pulaski County, Arkansas.

The Claimant is *Pro Se*, of Benton, Arkansas.

The Respondents were represented by Mr. David C. Jones, Attorney at Law, Little Rock, Arkansas.

I. BACKGROUND

This matter comes before the Commission on a Motion to Dismiss filed by Respondents on January 15, 2026. A hearing on the motion was conducted on March 31, 2026, in Little Rock, Arkansas. Claimant, according to Commission file is *Pro Se*, failed to appear at the hearing.

The Claimant worked for the Respondent/Employer as a gas station attendant. The date for Claimant's alleged injury was on July 20, 2024. This incident was reported to the Respondent/Employer on the same date. Admitted into evidence was Respondents' Exhibit 1, pleadings, and correspondence, consisting of 29 pages, and Commission Ex. 1, emails, and U.S. Mail return receipts, consisting of 6 pages, *as discussed infra*.

The record reflects on May 27, 2025, a Form AR-C was filed by Claimant purporting that Claimant sustained injuries to his right knee, left hip and shoulder, abdomen, and chest when he tripped over a rolled-up mat. On August 7, 2025, a Form AR-1 was filed with the Commission noting that Claimant's injuries occurred while working on stocking D19. Also on August 7, 2025, a Form AR-2 was filed denying compensability on the abdomen but accepting compensability for the right hip and right knee.

The Respondents filed a motion to dismiss for lack of prosecution on January 15, 2026. The Claimant was sent, on January 21, 2026, notice of the Motion to Dismiss, via certified and regular U.S. Mail, to his last known address. The certified motion notice was claimed by Claimant as noted on the January 28, 2026, return receipt. This notice was also sent regular U.S. Mail and did not return to the Commission. Despite this, the Claimant did not respond to the Motion, in writing, as required. Thus, in accordance with applicable Arkansas law, the Claimant was mailed due and proper legal notice of Respondents' Motion to Dismiss hearing date to his current address of record via the United States Postal Service (USPS), First Class Certified Mail, Return Receipt Requested, and regular First-Class Mail, on February 24, 2026. The certified notice was claimed as noted by the March 2, 2026, return receipt. Likewise, the hearing notice sent regular First-Class was not returned to the Commission. The hearing took place on March 31, 2026. And as mentioned before, the Claimant did not show up to the hearing.

II. FINDINGS OF FACT AND CONCLUSIONS OF LAW

After reviewing the record as a whole and other matters properly before the Commission, I hereby make the following findings of fact and conclusions of law in accordance with Ark. Code Ann. § 11-9-704 (Repl. 2012):

1. The Commission has jurisdiction over this claim.

2. The Claimant and Respondents both had reasonable notice of the March 31, 2026, hearing.
3. Respondents have proven by the preponderance of the evidence that Claimant has failed to prosecute his claim under 11 C.A.R. §25-110(d) (formerly AWCC Rule 099.13).
4. The Respondents' Motion to Dismiss should be granted.
5. This claim is hereby dismissed without prejudice.

III. DISCUSSION

11 C.A.R. §25-110(d) provides:

Upon meritorious application to the Commission from either party in an action pending before the Commission, requesting that the claim be dismissed for want of prosecution, the Commission may, upon reasonable notice to all parties, enter an order dismissing the claim for want of prosecution.

See generally Johnson v. Triple T Foods, 55 Ark. App. 83, 85, 929 S.W.2d 730 (1996).

Consistent with 11 C.A.R. §25-110(d), the Commission scheduled and conducted a hearing, with reasonable notice, on the Respondents' Motion to Dismiss. The certified hearing notice was claimed by Claimant, per the return postal notice bearing the March 2, 2026, date. Thus, I find by the preponderance of the evidence that reasonable notice was given to the Claimant.

Furthermore, 11 C.A.R. §25-110(d) allows the Commission, upon meritorious application, to dismiss an action pending before it due to a want of prosecution. The Claimant filed his Form AR-C on May 27, 2025. Since then, he has failed to request a bona fide hearing. Therefore, I do find by the preponderance of the evidence that Claimant has failed to prosecute his claim. Thus, Respondents' Motion to Dismiss should be granted.

CONCLUSION

Based on the Findings of Fact and Conclusions of Law set forth above, Respondents' Motion to Dismiss is hereby granted, and Claimant's claim is dismissed *without prejudice*.

IT IS SO ORDERED.

STEVEN PORCH
Administrative Law Judge