BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION
AWCC FILE № H601581

DEMONTE G. BILLINGSLEY, EMPLOYEE	**CLAIMANT**
TYSON POULTRY, INC., SELF-INSURED EMPLOYER	**RESPONDENT**
TYSON FOODS, INC. ADMINISTRATOR	**RESPONDENT**

OPINION FILED 11 AUGUST 2026

Heard before Arkansas Workers' Compensation Commission Administrative Law Judge JayO. Howe on 6 August 2026+ in Pine Bluff, Arkansas.

The claimant appeared *pro se*.

The Roberts Law Firm, Mr. J. Matthew Mauldin, appeared for the respondents.

STATEMENT OF THE CASE

A hearing on the respondents' Motion to Dismiss was held on this matter in Pine Bluff, Arkansas, on 6 August 2026. The hearing record consists of the transcript, which includes Respondents' Exhibit № 1 (copies of their motion, brief in support of a dismissal, and the original exhibits filed concurrently with their motion).

This case relates to alleged injuries sustained on or about 12 February 2026. The claimant filed a Form AR-C on 19 February 2026 seeking benefits associated with an accident that allegedly caused injuries to his head, face, and right arm. He named Tyson Foods, Inc., as his employer on the form. The respondents filed their Form AR-2 on 24 March 2026 denying liability because the claimant was not an employee of Tyson.

On 19 May 2026, the respondents filed their motion and brief arguing that the claim should be dismissed for want of prosecution. They argued that the claimant was not an employee of Tyson, but that he was an employee of a sanitation contractor. They further argued that the claimant was separately proceeding in a claim against his actual employer

Fortrex Sanitation, LLC. Their motion included correspondence from Gallagher Bassett confirming that it was handling a claim on behalf of Fortrex relating to the same incident alleged by the claimant in the instant case.

The Commission sent notice of the motion to the claimant, per its usual practice, via First Class and Certified Mail. After no response from the claimant was received, notice of the hearing was sent similarly. Having received those notices, the claimant appeared for the hearing at the designated time. The parties discussed off the record and again on the record that the claimant had mistakenly identified the respondents as his employer on the Form AR-C that he submitted on 19 February 2026. He acknowledged that he had taken no action on *this* claim since the filing of the Form AR-C. The claimant acknowledged that he was an employee of Fortrex at the time of the accident and that he had received some benefits related to the accident. He did not object to the dismissal of this claim against the incorrectly identified employer.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

After reviewing the record as a whole, 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 matter.

2. The parties were provided with reasonable notice of the Motion to Dismiss and the hearing on the motion.

3. The evidence preponderates that the claimant has failed to prosecute his claim under 11 C.A.R. § 25-110(d).

4. The Motion to Dismiss is hereby granted; this claim for initial benefits is dismissed without prejudice under 11 C.A.R. § 25-110(d).

DISCUSSION

The parties appeared on 6 August 2026. They discussed the respondents' motion and the facts around the claimant's actual employer/employment status at the time of the

accident. As argued by the respondents at the hearing, 11 C.A.R. § 25-110(d) provides for a dismissal for failure to prosecute an action upon application by either party and reasonable notice. The claimant received notice of the respondents' request to dismiss this claim and appeared, accordingly. He expressed his understanding and agreement that he did not work for Tyson at the time of his accident and that but not for his mistakenly naming Tyson on the Form AR-C, a claim against them would not have been initiated. Based on my review of the evidence presented, a dismissal without prejudice is appropriate.

ORDER

Consistent with the findings of fact and conclusions of law set forth above, the Motion to Dismiss is hereby GRANTED. This claim for initial benefits is dismissed without prejudice.

SO ORDERED.

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JAYO. HOWE
ADMINISTRATIVE LAW JUDGE