

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION**

**CLAIM NO. H503075**

**RODNEY BRABON, EMPLOYEE**

**CLAIMANT**

**MOWER WAREHOUSE, EMPLOYER**

**RESPONDENT**

**UNITED FIRE & CASUALTY, CARRIER/TPA**

**RESPONDENT**

**OPINION AND ORDER FILED FEBRUARY 3, 2026**

**A Hearing before Administrative Law Judge James D. Kennedy in Mountain Home, Arkansas, was held on January 21, 2026.**

**Claimant was pro-se and failed to appear.**

**Respondents were represented by Melissa Wood of Little Rock, Arkansas.**

**STATEMENT OF THE CASE**

A hearing was held in the above styled matter on the 21<sup>st</sup> day of January, 2026, in Mountain Home, Arkansas, on Respondent's Motion to Dismiss, for failure to prosecute pursuant to Arkansas Code Ann. 11-9-702 and 11 C.A.R. 25-110(d), previously named Rule 099.13 of the Arkansas Workers' Compensation Commission. The claimant was pro se and failed to appear. The Respondents were represented by Melissa Wood of Little Rock, Arkansas. The Claimant had previously been represented by Frederick "Rick" Spencer, who was allowed to withdraw by an Order of the Full Commission, dated July 18, 2025.

A First Report of Injury was filed on April 28, 2025, when the Claimant stated that he felt a tearing and a protruding in his abdomen while lifting a Bimini top. An AR- C Form was filed on May 19, 2025, and the Claimant contended he had suffered a left-sided hernia. A Motion to Dismiss was filed on November 19, 2025. The claim involved a hernia injury which was accepted as compensable, with all appropriate benefits paid.

The Respondents contend that the Claimant has not made a bona fide request for a hearing within six months after the filing of the claim and has taken no steps since the original filing to pursue the claim. Additionally, the Claimant has failed to file a response to the Motion to Dismiss. The Claimant has not taken any action to prosecute the claim, and it has been more than six months since the Claimant has filed his AR-C or requested a hearing. The contentions of the Respondents are found to be true.

After proper and reasonable notice, a hearing was held on January 21, 2026, and the Claimant failed to appear. The Respondents were represented by Melissa Wood, who requested that the matter be dismissed pursuant to 11 C.A.R. 110(d) of the Arkansas Workers' Compensation Commission and the provisions of Arkansas Code Ann. 11-9-702.

**ORDER**

Pursuant to the above statement of the case, documents entered into the record, and statements by the Attorney for the Respondents, there is no alternative but to grant the Motion to Dismiss without prejudice pursuant to 11 C.A.R. 110(d) of the Arkansas Workers' Compensation Commission and A.C.A. 11-9-702, based upon the Claimant failing to prosecute the claim within the last six months and after a meritorious application to the Commission by the Respondents requesting that the claim be dismissed after reasonable notice to all parties.

IT IS SO ORDERED.

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JAMES D. KENNEDY  
ADMINISTRATIVE LAW JUDGE