

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION**

**AWCC FILE No H405026**

<b>MAURICE BROOKS, EMPLOYEE</b>	<b>CLAIMANT</b>
<b>AX'EM TIMBER SERVICES, EMPLOYER</b>	<b>RESPONDENT No 1</b>
<b>TECHNOLOGY INSURANCE/AMTRUST, CARRIER/TPA</b>	<b>RESPONDENT No 1</b>
<b>WILLIAMS LOGGING, LLC, EMPLOYER</b>	<b>RESPONDENT No 2</b>
<b>AMERICAN INTERSTATE INS. CO./ AMERISAFE RISK SERVICES, CARRIER/TPA</b>	<b>RESPONDENT No 2</b>

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**OPINION FILED 20 AUGUST 2025**

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Heard before Arkansas Workers' Compensation Commission ("the Commission")  
Administrative Law Judge JayO. Howe on 3 July 2025 in Pine Bluff, Arkansas.

The *pro se* claimant failed to appear.

The Frye Law Firm, Mr. Bill Frye, appeared for Respondent No 1.

The Ryburn Law Firm, Mr. Zach Ryburn, appeared for Respondent No 2.

**STATEMENT OF THE CASE**

This case relates to an alleged workplace injury occurring on 3 July 2024. A hearing on the respondents' Motion to Dismiss was held on this matter in Pine Bluff, Arkansas, on 3 July 2025. The record from the hearing consists of the hearing transcript, Respondents No 1's Exhibit No 1 (a Form AR-C filed on 6 August 2024 and a Form AR-2 dated 21 August 2024), and Commission's Exhibit No 1 (a Form AR-C filed on 26 August 2024 and mailing receipts from Commission correspondence with the claimant). I am also blue-backing to this opinion (1) a copy of a Full Commission Order dated 30 October 2024 that grants a request of withdrawal for the claimant's counsel, (2) Respondent No 2's Motion to Dismiss, (3) an

email from Respondent № 1 joining in the request for a dismissal, and (4) a letter to the claimant providing notice of the Motion to Dismiss. In accordance with *Sapp v. Tyson Foods, Inc.*, 2010 Ark. App. 517, 2010 Ark. App. LEXIS 549, those documents are being served on the parties in conjunction with this opinion.

The claimant was originally represented by counsel in this matter. On 30 October 2024, as noted above, the Full Commission granted a request by the claimant's counsel to withdraw from the case. Then, on 27 February 2025, Respondent № 2 moved for a dismissal. They stated that the claim had initially been denied in its entirety and that the claimant had since failed to prosecute his claim or request a hearing. The following day, Respondent № 1 joined in the request for a dismissal.

Notice of the respondents' motion was sent to the claimant, consistent with Commission practices, via First Class Mail and Certified Mail, on 3 March 2025. A proof of delivery receipt shows that the claimant received that letter on 10 March 2025. He did not file an objection to the motion or otherwise respond to that notice letter. A hearing on the motion was then set, with notice to the claimant sent in the same manner. He failed to appear at the hearing to argue against a dismissal of the claim.

#### **FINDINDGS 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 that motion.
3. The evidence preponderates that the claimant has failed to prosecute his claim under Commission Rule 099.13 (now codified at 11 C.A.R. § 25-110(d)).
4. A dismissal of the claim without prejudice is appropriate.

**DISCUSSION**

The respondents appeared on 3 July 2025 and argued in favor of a dismissal without prejudice. The record does not reflect any effort by the claimant to prosecute his claim since the withdrawal of his counsel. The claimant has not requested a hearing on any issue ripe for litigation. And the respondent failed to appear to argue against the dismissal of his claim. The respondents' motion to dismiss this claim for initial benefits is granted. The dismissal is without prejudice.

**ORDER**

The Motion to Dismiss is hereby granted. This claim is **DISMISSED WITHOUT PREJUDICE.**

**SO ORDERED.**

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JAYO. HOWE  
ADMINISTRATIVE LAW JUDGE