BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION
CLAIM NO. H503339

WILLIAM CHRISTIAN, EMPLOYEE **CLAIMANT**

ADAMS AND SON ROOFING & CONSTRUCTION, UNINSURED EMPLOYER **RESPONDENT**

OPINION FILED AUGUST 12, 2026

Hearing before Administrative Law Judge James D. Kennedy in Fort Smith, Arkansas on July 21, 2026.

Claimant is pro se and failed to appear.

Respondents are represented by Ledbetter, Cogbill, Arnold, and Harrison, LLP, of Fort Smith, Arkansas.

STATEMENT OF THE CASE

A hearing was held in the above styled matter on July 21, 2026, in Fort Smith, Arkansas on respondent's Motion to Dismiss for failure to prosecute pursuant to A.C.A. §11-9-702 and Rule 099.13 of the Arkansas Workers' Compensation Act which is now named 11 C.A.R. §25-110(d). The claimant was pro se and failed to appear for the hearing. The Claimant filed a Form AR–C, signing it on May 27, 2025, through his attorney at the time, Michael L. Ellig, claiming that he had fallen off a roof and that he had injured his face, back, right shoulder and arm, and he was entitled to temporary total disability, temporary partial disability, and permanent partial disability. A hearing was requested and then later prior to the hearing, the matter was returned to general files. The claimant's attorney was then allowed to withdraw by an Order of the Full Commission dated April 30, 2026.

A Motion to Dismiss was filed on or about May 4, 2026, requesting that the matter be dismissed for failure to prosecute pursuant to A.C.A. §11-9-702(a) (4) and Rule

099.13. The claimant has not requested a hearing to date and more than six months have passed since the filing of the original claim.

Appropriate notice was provided to the claimant notifying him that a hearing on the Motion to Dismiss was set for July 21, 2026, in Fort Smith, Arkansas. The claimant did not file a response and failed to appear on the hearing date. At the time of the hearing, R. Scott Zuerker of Fort Smith, Arkansas, appeared on behalf of the Respondent and asked that the matter be dismissed for lack of prosecution.

After a review of the record as a whole, to include all evidence properly before the Commission, and having an opportunity to hear the statements of the attorney for the Respondent, it is found that this matter should be dismissed without prejudice, for failure to prosecute pursuant to A.C.A. §11-9-702 and 11 C.A.R. §25-110(d) of the Arkansas Workers' Compensation Act.

ORDER

Pursuant to the above statement of the case, there is no alternative but to dismiss this claim in its entirety, without prejudice, for failure to prosecute.

IT IS SO ORDERED.

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JAMES D. KENNEDY
ADMINISTRATIVE LAW JUDGE