

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION
AWCC FILE № H504304**

GARY CLAUSE, EMPLOYEE

CLAIMANT

ALESSI KEYES CONSTRUCTION CO., EMPLOYER

RESPONDENT

UNITED FIRE & CASUALTY CO., CARRIER

RESPONDENT

OPINION FILED 14 JANUARY 2026

Heard before Arkansas Workers' Compensation Commission ("the Commission")
Administrative Law Judge JayO. Howe on 7 January 2026 in Little Rock, Arkansas.

The *pro se* claimant failed to appear.

Worley, Wood & Parrish, P.A., Ms. Melissa Wood, appeared for the respondents.

STATEMENT OF THE CASE

A hearing on the respondents' Motion to Dismiss was held on this matter in Little Rock, Arkansas, on 7 January 2026. This case relates to an alleged workplace injury occurring on 4 June 2025. The record from the hearing consists of the transcript; Respondents' Exhibit № 1, which consisted of an index page and ten pages of documents and pleadings in support of their motion; and Commission's Exhibit № 1, two pages that included a Form AR-C filed by the claimant and a Postal Service delivery receipt from Commission correspondence with the claimant.

The record showed that the claimant filed a Form AR-C on 11 July 2025 alleging an injury on 4 June 2025. On 15 July 2025, the respondents filed a First Report of Injury indicating an alleged hernia injury that had been reported to them on 14 July 2025. They subsequently filed a Form AR-2 indicating that the claim was being denied.

The claimant retained an attorney at some point, but on 17 September 2025, the Full Commission entered an Order granting the attorney's request to withdraw from the matter. The claimant then submitted a hearing request on 19 September 2025.

Then, on 29 October 2025, the respondents requested that this claim be dismissed for the claimant's failure to prosecute his claim under the Commission Rule at 11 C.A.R. § 25-110(d). They stated that the claimant had failed to participate in their efforts to conduct discovery, including his refusal to submit signed releases for medical records.

Notice of the respondents' motion was sent to the claimant, consistent with Commission practices, via First Class Mail and Certified Mail. Notice of a hearing on the respondents' motion was sent in the same manner. The record does not reflect any responsive filings from the claimant; and he did not attend the hearing to object to the dismissal of this claim.

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 is dismissed without prejudice under 11 C.A.R. § 25-110(d).

DISCUSSION

The respondents appeared on 7 January 2026 and presented their motion. 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. As noted

above, notice of the respondents' motion and notice of the scheduling of the hearing was provided to the claimant.

The respondents argue that the claimant has failed to cooperate in their attempts to conduct discovery that is relevant and necessary in the prosecution of this claim. No objection was filed to the respondents' motion to dismiss this claim. Further, the claimant did not appear at the hearing to object to the dismissal of his claim. Based on the evidence presented, a dismissal without prejudice is appropriate.

ORDER

The Motion to Dismiss is GRANTED, and this matter is DISMISSED WITHOUT PREJUDICE.

SO ORDERED.

JAYO. HOWE
ADMINISTRATIVE LAW JUDGE