BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO.: H507355

KEVIN COONEY,
EMPLOYEE — CLAIMANT

LITTLE ROCK SCHOOL DISTRICT,
EMPLOYER — RESPONDENT

AR SCHOOL BOARD ASSOC. WCT,
CARRIER/TPA — RESPONDENT

OPINION FILED JULY 15, 2026

Hearing held before Administrative Law Judge Chandra L. Black, in Little Rock, Pulaski County, Arkansas.

Claimant, Pro Se, appeared at the hearing.

Respondents represented by the Honorable Carol Lockard Worley, Attorney at Law, Little Rock, Arkansas.

STATEMENT OF THE CASE

A hearing was held on July 15, 2026, in the above-captioned claim pursuant to *Dillard v. Benton County Sheriff's Office*, 87 Ark. App. 379, 192 S.W. 3d 287 (2004), to determine whether the above-referenced matter should be dismissed for failure to prosecute under the provisions of Ark. Code Ann. §11-9-702 (Repl. 2012) and Arkansas Workers' Compensation Commission Rule 099.13 (now codified at 11 C.A.R. § 25-110(d)).

Appropriate notice of this hearing was tried on all parties to their last known address, in the manner prescribed by law.

The record consists of the transcript of the July 15, 2026, hearing and the documents contained therein. In that regard, Respondents' Exhibit 1 is a Respondents' Hearing Exhibit Index encompassing eight numbered pages, and a cover sheet.

No testimony was taken.

Procedural History

On November 17, 2025, the Claimant filed a Form AR-C with the Commission alleging that he sustained injuries to his head and lower back as a result of a specific incident injury during and within the course and scope of his employment with the respondent-employer, on April 15, 2025. At that time, the Claimant requested initial workers' compensation benefits in the form of Rehabilitation, Medical Expenses, and other benefits in the form of pain and suffering.

The respondent-insurance-carrier filed a Form AR-2 with the Commission on or about November 18, 2025, wherein they accepted compensability in the form of a medical only claim.

Subsequently, the Claimant did not request a hearing on his claim.

Therefore, on May 18, 2026, the Respondents filed a Motion to Dismiss for Failure to Prosecute with the Commission, along with a Certificate of Service to the Claimant. Hence, the Respondents served a copy of the foregoing pleading on the Claimant by depositing a copy thereof, with the United States Postal Service (with proper postage paid) to his last known address.

Pursuant to correspondence dated May 19, 2026, I sent the Claimant a letter letting him know of the Respondents' motion to dismiss his workers' compensation claim due to a lack of prosecution. He was given twenty days to file with the Commission a written response to the motion. Said letter was sent via the U.S. Postal Service as mandated under the law.

However, there was no response from the Claimant.

On June 9, 2026, my office sent a Notice of Hearing to the parties. At that time, the case was set for a hearing on July 15, 2026, at the Arkansas Workers' Compensation Commission, in Little Rock, Arkansas. This Notice was sent to the Claimant via the United States Postal Service in the manner prescribed by law.

Still, there was no response from the Claimant.

A hearing was in fact held on the Respondents' motion for dismissal of this claim. The Claimant appeared at the hearing. Also, the Respondents appeared through their attorney. Respondents' attorney moved that the claim be dismissed for a lack of prosecution. Counsel noted that the Claimant has never made a request for a hearing since the filing of his claim in November 2025. As such, Counsel requested that the claim be dismissed *without prejudice* under the statutory provisions of Ark. Code Ann. §11-9-702 (Repl. 2012) and 11 C.A.R. § 25-110(d) of the Rules of the Commission. The Claimant has indicated that he does not object to his claim being dismissed because all his medical benefits have been paid.

## DISCUSSION

The statutory provision and Commission Rule applicable in this claim are outlined below.

Specifically, Ark. Code Ann. §11-9-702(a)(4) provides:

> If within six (6) months after the filing of a claim for compensation, no bona fide request for a hearing has been made with respect to the claim, the claim may, upon motion and after hearing, be dismissed without prejudice to the refiling of the claim within the limitation periods specified in subdivisions (a)(1)-(3) of this section.

Additionally, Commission Rule 099.13 (now codified at 11 C.A.R. § 25-110(d)) reads:

> The Commission may, in its discretion, postpone or recess hearings at the instance of either party or on its own motion. No case set for hearing shall be postponed except by approval of the Commission or Administrative Law Judge.
>
> In the event neither party appears at the initial hearing, the case may be dismissed by the Commission or Administrative Law Judge, and such dismissal order will become final unless an appeal is timely taken therefrom or a proper motion to reopen is filed with the Commission within thirty (30) days from receipt of the order.
>
> Upon meritorious application to the Commission from either party in an action pending before the Commission, requesting that the claim be dismissed for want of prosecution, the Commission may, upon reasonable notice to all parties, enter an order dismissing the claim for want of prosecution. (Effective March 1, 1982)

My review of the evidence in this matter shows that the Claimant has failed to make a bona fide request for a hearing with respect to his claim for workers' compensation benefits, which was filed in November 2025. Hence, the filing of this claim clearly occurred more than six months ago. However, the Claimant has stated that he does not object to his claim being dismissed.

Considering all the foregoing evidence, I am compelled to conclude that the Claimant has failed to prosecute his claim. Moreover, the Claimant appeared at the hearing and indicated that he agrees with his claim being dismissed.

Therefore, based on all the aforementioned reasons, I find that the Respondents' motion to dismiss this claim is warranted pursuant to Ark. Code Ann. §11-9-702(a)(4) and Commission Rule 099.13 (as codified at 11 C.A.R. §25-110 (d)). Thus, this claim is hereby respectfully dismissed due to a lack of prosecution. Said dismissal is *without prejudice*, to the refiling of this claim within the limitation period specified by law.

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

Based on 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 Arkansas Workers' Compensation Commission has jurisdiction of this claim.

2. The Claimant filed a claim in this matter per a Form AR-C, on November 18, 2025, which was more than six months ago. Since this time, the Claimant has failed to request a hearing on his claim.

3. Appropriate Notice of the dismissal hearing was had on all parties to their last known address, in the manner prescribed by law.

4. The Claimant appeared at the hearing and indicated that he does not object to his claim being dismissed.

5. The Respondents' motion to dismiss this claim for a lack of prosecution is hereby granted, per Ark. Code Ann. §11-9-702(a)(4) and 11 C.A.R. §25-110 (d), *without prejudice*, to the refiling of it within the limitation period specified by law.

## ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, I find that pursuant to Ark. Code Ann. §11-9-702(a)(4) and 11 C.A.R. §25-110 (d), this claim is hereby respectfully dismissed, *without prejudice*, to the refiling of it within the limitation period specified by law.

**IT IS SO ORDERED**.

**CHANDRA L. BLACK**
**Administrative Law Judge**