BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO.: H306358

CHRISTOPHER COOPER,
EMPLOYEE CLAIMANT

ACME BRICK COMPANY,
EMPLOYER RESPONDENT

FARMINGTON CASUALTY COMPANY/
TRAVELERS INDEMNITY COMPANY,
CARRIER/TPA RESPONDENT

OPINION FILED AUGUST 3, 2026

Hearing held before Administrative Law Judge Chandra L. Black, in Hot Springs, Garland County, Arkansas.

Claimant represented by the Honorable Aaron L. Martin, Attorney at Law, Fayetteville, Arkansas. Mr. Martin waived his appearance at the hearing.

Respondents represented by the Honorable Guy Alton Wade, Attorney at Law, Little Rock, Arkansas.

Statement of the Case

A hearing was held on July 31, 2026, in the present matter 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 had on all parties to their last known address, in the manner prescribed by law.

Therefore, the record consists of the transcript of the July 31, 2026, hearing and the documents contained therein. In that regard, Commission's Exhibit 1 includes two pages;

Respondents' Exhibit 1 is a Respondents' Hearing Exhibit Index encompassing ten numbered pages.

No testimony was taken.

Procedural History

On March 26, 2024, the Claimant's attorney filed with the Commission a claim for Arkansas workers' compensation benefits via a Form AR-C. Specifically, the Claimant alleged that he sustained an injury to his left knee on June 7, 2023, in the course and scope of employment. The Claimant's attorney checked boxes for workers' compensation benefits in the form of additional benefits. Said additional benefits include temporary total disability, rehabilitation, permanent partial and an attorney's fee.

The respondent-insurance-carrier filed a Form AR-2 with the Commission on September 28, 2023, wherein they denied compensability of the claim on the grounds of "No injury per statutory definition." On October 13, 2023, the Respondents filed an Amended Form AR-2 saying: "Carrier has now accepted compensability the left knee meniscus tear."

Since this time, there has been no bona fide action on the part of the Claimant to prosecute this claim or otherwise pursue any benefits.

On June 24, 2026, the Respondents filed with the Commission a letter-motion asking that the claim be dismissed for a lack of prosecution. The Respondents notified the Claimant of their motion for dismissal by way of mailing a copy of it to bot the Claimant and his attorney of record in this matter.

The Commission sent a letter-notice to the Claimant and his attorney, on July 1, 2026. Per this correspondence, the Claimant was given a deadline of twenty (20) days, for filing a written response to the Respondents' motion for the dismissal of his workers' compensation claim.

On July 8, 2026, the Claimant's attorney sent the following letter to my office.

> Dear Judge Black,
>
> We have received Respondents' Motion to Dismiss and your letter dated 7/1/26 notifying Claimant of the Motion and his option to oppose the Motion and request a hearing. I have discussed this with the Claimant in detail and answered all of his questions. He has authorized me not to oppose the Motion.

Therefore, pursuant to a Hearing Notice July 14, 2026, the Commission notified the parties that a hearing was scheduled to address the Respondents' motion to dismiss this claim due to a lack of prosecution. Said hearing was scheduled for July 31, 2026, at 9:00 a.m., in Hot Springs, Arkansas.

The notice of hearing was sent to the Claimant both regular and certified mail. information received from the United States Postal Service shows that the notice sent via certified mail was delivered to the Claimant's home on July 18, 2026. The notice sent via regular mail has not been returned to the commission. The aforementioned proves that the Claimant had actual notice of the hearing.

Subsequently, a hearing was in fact conducted on the Respondents' motion for dismissal as scheduled. The Claimant and his attorney waived their appearance at the hearing. Nevertheless, the Respondents appeared through their attorney. Counsel for the Respondents noted that the Claimant has failed to timely prosecute his claim for workers' compensation benefits. Counsel essentially advised that there has been no attempt on the part of the Claimant to move forward with a hearing since the filing of the Form AR-C in March 2026; and that the Claimant and his attorney are not opposed to his claim being dismissed.

Obviously, under these circumstances, counsel for the Respondents moved that this claim be dismissed *without prejudice* under the provisions of Ark. Code Ann. §11-9-702, and Arkansas Workers' Compensation Commission Rule 099.13 (now codified at 11 C.A.R. § 25-110(d)).

The record before me proves that the Claimant has failed to timely prosecute his claim for workers' compensation benefits. The Claimant does not object to his claim being dismissed *without prejudice*.

Therefore, per Ark. Code Ann. §11-9-702 and Rule 099.13 of this Commission (now codified at 11 C.A.R. § 25-110(d)), this claim is hereby dismissed, *without prejudice,* to the refiling of it within the limitation period specified by law.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

On the basis of 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 Respondents filed with the Commission, letter-motion to dismiss this claim, for which a hearing was held.

3. The evidence preponderates that the Claimant has failed to timely prosecute his claim for workers' compensation benefits. The Claimant and his attorney are not opposed to his claim being dismissed.

4. Appropriate notice of the dismissal hearing was attempted on all parties to their last known address, in the manner prescribed by Arkansas law.

5. The Respondents' motion to dismiss is hereby granted *without prejudice,* pursuant to Ark. Code Ann. §11-9-702 and Commission Rule 099.13, (now codified at 11 C.A.R. § 25-110(d)) to the refiling of it within the limitation period specified by law.

ORDER

In accordance with the findings of fact and conclusions of law set forth above, this claim is hereby dismissed pursuant to the provisions of Ark. Code Ann. §11-9-702 and Commission Rule 099.13(now codified at 11 C.A.R. § 25-110(d)), *without prejudice,* to the refiling of it within the

appropriate limitation period established under the law.

IT IS SO ORDERED.

CHANDRA L. BLACK
Administrative Law Judge