BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION
AWCC FILE № H208417

WILLIAM CYRUS, EMPLOYEE	**CLAIMANT**
CITY OF LITTLE ROCK, SELF-INSURED EMPLOYER	**RESPONDENT**
RISK MANAGEMENT SOLUTIONS, TPA	**RESPONDENT**

OPINION FILED 21 JULY 2026

Heard before Arkansas Workers' Compensation Commission Administrative Law Judge JayO. Howe on 6 July 2026 in Little Rock, Arkansas.

Caldwell Law Firm, P.A., Mr. Andy L. Cadwell, waived appearing for the claimant.

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 6 July 2026. This case relates to accepted compensable injuries sustained on or about 25 November 2022. The hearing record consists of the transcript, which includes Commission's Exhibit № 1 (one page of correspondence from the claimant's counsel) and Respondents' Exhibit № 1 (one index page and seven pages in support of their motion).

On 24 March 2026, the respondents filed a motion for dismissal of the claim for want of prosecution. They noted that the claim had been accepted and that benefits had been paid. No hearing had been requested in the six months preceding the filing of their motion.

Claimant's counsel stated that he did not object to a dismissal of the claim as long as that dismissal was entered without prejudice. He further asked that email correspondence be entered into the record stating the same. That email was made part of the record as Commission's Exhibit № 1.

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

DISCUSSION

The respondents appeared on 6 July 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 stated above, the claimant waived appearing at the hearing and did not object to a dismissal as long as the same would be entered without prejudice.

Based on my review of the evidence presented, to include the claimant's assent to a dismissal without prejudice, a dismissal without prejudice is appropriate.

ORDER

Consistent with the findings of fact and conclusions of law set forth above, the Motion to Dismiss is hereby GRANTED. This claim for additional benefits is dismissed without prejudice.

SO ORDERED.

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JAYO. HOWE
ADMINISTRATIVE LAW JUDGE