

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION
AWCC FILE № H308265**

DAVID L. DANIELS, EMPLOYEE	CLAIMANT
TYSON POULTRY, INC., SELF-INSURED EMPLOYER	RESPONDENT
TYNET CORP., TPA	RESPONDENT

OPINION FILED 14 JANUARY 2026

Heard before Arkansas Workers' Compensation Commission ("the Commission")
Administrative Law Judge JayO. Howe on 12 November 2025 in Little Rock, Arkansas.

The *pro se* claimant failed to appear.

The Roberts Law Firm, Mr. J. Matthew Mauldin, 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 12 November 2025. This case relates to an alleged workplace injury occurring on 23 August 2023. The record of the hearing consists of the transcript; Respondents' Exhibit № 1, which consisted of six pages of documents and pleadings in support of their motion; and Commission's Exhibit № 1, which consisted of five pages of claim-related documents, including two Postal Service delivery receipts from Commission correspondence with the claimant.

On 22 December 2023, the claimant filed a Form AR-C relating to this claim. A prehearing telephone conference was eventually held on 3 December 2024

The respondents later requested that this claim be dismissed under Commission Rule 099.13 (now codified at 11 C.A.R. § 25-110(d)) and/or Ark. Code Ann. § 11-9-702. They argued that the claimant failed to participate in a prehearing telephone conference scheduled for 17 September 2024. A conference was subsequently held on 3 December 2024,

and the claim was returned to the Commission's General Files at that time. Then, on 19 September 2025, the respondents moved for a dismissal for want of prosecution. They argued that the claimant had not taken any action on his claim and that no hearing had been set on any issue ripe for litigation.

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. Delivery receipts from the Postal Service show that the claimant accepted those mailings. He failed, however, to attend the hearing or to submit an objection to the respondents' motion for a dismissal.

FINDINDGS 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 12 November 2025 and presented their motion. As argued by the respondents at the hearing, Commission Rule 099.13 (now 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. The claimant did not file a response to the motion or appear at the hearing to argue against the dismissal of his claim.

The record does not indicate any action being taken by the claimant after the claim was returned to General Files on 4 December 2024. Likewise, 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