BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION
AWCC FILE № H307333

TED FREEMAN, EMPLOYEE	**CLAIMANT**
HENRY'S AERIAL SERVICES, INC., EMPLOYER	**RESPONDENT**
AIG/GALLAGHER BASSETT SERVICES, INC., CARRIER/TPA	**RESPONDENT**

OPINION FILED 23 JULY 2026

Heard before Arkansas Workers' Compensation Commission Administrative Law Judge JayO. Howe on 22 July 2026 in Little Rock, Arkansas.

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

Worley, Wood & Parrish, P.A., Mr. Jarrod Parrish, 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 22 July 2026. This case relates to alleged injuries sustained on or about 25 June 2023. The hearing record consists of the transcript, which includes Commission's Exhibit № 1 (two USPS delivery confirmation receipts) and Respondents' Exhibit № 1 (one index page and nine pages of records and correspondence).

On 8 November 2023, the respondents filed a First Report of Injury indicating that they were notified on 6 November 2023 of an injury alleged by the claimant to have occurred on 25 June 2023. The claimant alleged a right foot injury. On 26 February 2024, the respondents indicated via the filing of a Form AR-2 that the claim was denied for a lack of evidence supporting the claim of a compensable injury. A Form AR-C was eventually filed by the claimant's counsel on 12 March 2026. Then, on 22 May 2026, the respondents filed their Motion to Dismiss. They asserted that the statute of limitations barred the claim

as being untimely filed and that the claim should be dismissed for the claimant's failure to prosecute the case.

In an email dated 17 June 2026, the claimant's counsel stated that he had conferred with the claimant and that they did not object to the dismissal of the claim. Claimant's counsel also waived his appearance. That correspondence was entered into the record at the hearing.

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

DISCUSSION

The respondents appeared on 22 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. Both parties were provided reasonable notice of the respondents' motion. As stated above, the claimant advised the Commission that he did not object to a dismissal of the claim. Based on my review of the evidence presented, 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 initial benefits is dismissed without prejudice.

SO ORDERED.

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JAYO. HOWE
ADMINISTRATIVE LAW JUDGE