BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION
CLAIM NO. H305403 & H504204

PERRY J. GILBERT, EMPLOYEE **CLAIMANT**

VS.

SPENCER MOODY & PATRIOT REAL ESTATE, EMPLOYERS, UNINSURED **RESPONDENT**

OPINION AND ORDER FILED JULY 15, 2026

A Hearing before Administrative Law Judge James D. Kennedy in Russellville, Arkansas, was held on June 30, 2026.

Claimant was pro-se and failed to appear.

Respondents were represented by Jason Ryburn, of Little Rock, Arkansas.

STATEMENT OF THE CASE

A hearing was held in the above styled matter on the 30th day of June 2026, in Russellville, Arkansas, on Respondent's Motion to Dismiss for failure to prosecute pursuant to Arkansas Code Ann. §11-9-702, §11-9-714, and 11 C.A.R. §25-110(d) previously named Rule 099.13 of the Arkansas Workers' Compensation Commission. The claimant was pro se and failed to appear. The Respondents were represented by Jason Ryburn of Little Rock, Arkansas. The Claimant had previously been represented by Mark Peoples in H305403 and Jarid M. Kinder in H504204. Mark Peoples was allowed to withdraw in claim H305403 by an Order of the Full Commission dated November 3, 2023, and Jarid M. Kinder was allowed to withdraw by an Order approved by ALJ Joseph Self, dated April 24, 2026, in claim H504204.

A Motion to Dismiss was filed on or about April 27, 2026. In H305403, the claimant alleged that he lost his thumb in a work accident on August 10, 2023, per his filing of Form

C on August 21, 2023. The only additional action taken in this claim was the request by attorney Mark Peoples to withdraw from the claim. In claim H504204, the claimant contended in the Form C filed on July 7, 2025, that he suffered an unspecified upper extremity injury and an injury to the body as a whole, on August 4, 2024. No additional action was taken in this claim, except the request by Jarid M. Kinder to withdraw from the claim. The respondents contend that the claimant was not an employee of the respondent Patriot Real Estate, and that Spencer Moody was a family member of the owners of Patriot Real Estate. It is noted respondents also raised the Statute of Limitations as a defense due to the different dates on the claim. The respondents additionally requested that the costs of the proceedings be assessed against the claimant. The Claimant has taken no steps since his original filings to pursue his claim, made no filing for discovery, and has filed no response to the Motion to Dismiss. The Claimant has not taken any action to prosecute his claim, and it has been more than six months since the Claimant has filed his AR-C or requested a hearing.

After proper and reasonable notice, a hearing was held on June 30, 2026, and the Claimant failed to appear. The Respondents were represented by Jason Ryburn, who requested that the matter be dismissed pursuant to 11 C.A.R. §110(d) of the Arkansas Workers' Compensation Commission and the provisions of Arkansas Code Ann. §11-9-702.

ORDER

Pursuant to the above statement of the case, documents entered into the record, and statements by the Attorney for the respondents, there is no alternative but to grant the Motion to Dismiss without prejudice pursuant to 11 C.A.R. §110(d) of the Arkansas

Workers' Compensation Commission and A.C.A. §11-9-702, based upon the claimant failing to prosecute his claim within the last six months and after a meritorious application to the Commission by the respondents requesting that the claim be dismissed after reasonable notice to all parties. The claimant's requested that costs be assessed against the claimant. A.C.A. §11-9-714 provides that costs may be assessed in proceedings brought without reasonable grounds. A.C.A. §11-9-207(8) provides that the Commission has the authority to access penalties. It would appear that due to the unusual facts involved in the current matter, the remedy of costs and penalties could be an issue and available, after a hearing on those specific issues, after notice to all of the parties involved. If not already paid, the respondents are ordered to pay the applicable fee to the court reporter.

IT IS SO ORDERED.

_____
JAMES D. KENNEDY
ADMINISTRATIVE LAW JUDGE