**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION**

**WCC NO. H505742**

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| **MATT GIZA, Employee** | **CLAIMANT** |
| **SOUTHERN TIRE MART, LLC, Employer** | **RESPONDENT** |
| **THE HARTFORD, Carrier** | **RESPONDENT** |

**OPINION FILED NOVEMBER 10, 2026**

Hearing before ADMINISTRATIVE LAW JUDGE ERIC PAUL WELLS, in Fort Smith, Sebastian County, Arkansas.

Claimant represented by WESLEY A. COTTRELL, Attorney, Rogers, Arkansas; although not present at hearing.

Respondent represented by RANDY P. MURPHY Attorney, Little Rock Arkansas.

## OPINION

This case comes on for review following a hearing on respondent's Motion to Dismiss.

On September 8, 2025, Wesley Cottrell, claimant's attorney, filed a Form AR-C requesting various compensation benefits in which the claimant alleged an injury to his cervical spine and body as a whole on or about March 11, 2025. On September 8, 2025, Mr. Cottrell requested a hearing on behalf of the claimant but withdrew that request on October 24, 2026. No further action was taken in this claim.

On July 17, 2026, the respondents filed a Motion to Dismiss requesting that this claim be dismissed for lack of prosecution. A hearing was scheduled for October 29, 2026. Notice of that hearing was sent to the claimant by certified mail, return receipt requested on August 27, 2026. United States Postal Department records indicate that claimant received and signed for the notice on September 9, 2026.

Mr. Cottrell indicated by email dated August 28, 2026, that he would waive his appearance at the hearing and further indicated that he had no objection to the Motion to Dismiss "without prejudice."

Pursuant to 11 CAR §25-110(d) (previously codified as Commission Rule 099.13), the Commission may enter an order dismissing a claim for want of prosecution. After my review of the respondent's Motion to Dismiss, Mr. Cottrell's response thereto he had no objection to the Motion to Dismiss without prejudice, and the claimant's failure to appear at the scheduled hearing, as well as all other matters properly before the Commission, I find that claimant has failed to prosecute this claim. Therefore, this claim is dismissed without prejudice.

**IT IS SO ORDERED.**

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**HONORABLE ERIC PAUL WELLS**
**ADMINISTRATIVE LAW JUDGE**