

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

AWCC FILE № H306909

ROBERT GRINSTEAD, EMPLOYEE

CLAIMANT

CADENCE INTERMEDIATE II, LLC, EMPLOYER

RESPONDENT

**FEDERATED MUTUAL INSURANCE,
CARRIER**

RESPONDENT

OPINION FILED 20 AUGUST 2025

Heard before Arkansas Workers' Compensation Commission ("the Commission")
Administrative Law Judge JayO. Howe on 3 July 2025 in Pine Bluff, Arkansas.

The *pro se* claimant did not appear.

Newkirk & Jones, Mr. Eric Newkirk, appeared for the respondents.

STATEMENT OF THE CASE

This case relates to an alleged workplace injury occurring on 11 October 2023. A hearing on the respondents' Motion to Dismiss was held on this matter in Pine Bluff, Arkansas, on 3 July 2025. The record from the hearing consists of the hearing transcript; Respondents' Exhibit № 1, which consists of their motion, forms, other filings, and correspondence; and Commission's Exhibit № 1, which consists of proof of delivery receipts, the claimant's Form AR-C, and a letter from the claimant asking that his claim be dismissed.

The claimant, through then-counsel, filed a Form AR-C seeking initial benefits on 13 December 2023. Counsel eventually sought leave to withdraw her representation, and the Full Commission approved that request on 3 October 2024. The respondents filed the immediate motion on 22 May 2025 seeking a dismissal under 11 C.A.R. § 25-110(d) (formerly Commission Rule 099.13) and/or A.C.A. § 11-9-702.

Notice of the respondents' motion was sent to the claimant, consistent with Commission practices, via First Class Mail and Certified Mail, to the address provided on the Form AR-C. On 6 June 2025, the claimant filed a letter with the Commission stating that he would like for his claim to be dismissed. A hearing on the motion was set. Consistent with his intention that the claim be dismissed, the claimant did not appear at the hearing to argue against the respondents' motion.

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 that 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 3 July 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 record supports the respondents' request for a dismissal without prejudice; and the claimant filed a response to the motion stating that he did not object to the dismissal of his claim. A dismissal without prejudice is, therefore, appropriate.

ORDER

The Motion to Dismiss is GRANTED, and this matter is DISMISSED WITHOUT PREJUDICE.

SO ORDERED.

JAYO. HOWE
ADMINISTRATIVE LAW JUDGE