

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

WCC NO. H500240

FRANCIS HICKS, Employee

CLAIMANT

OZARK WAFFLES, LLC, Employer

RESPONDENT

SUMMIT CONSULTING, LLC Carrier

RESPONDENT

OPINION FILED OCTOBER 28, 2025

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

Claimant not represented by counsel and not appearing at hearing.

Respondents represented by ZACHARY F. RYBURN, Attorney at Law, Little Rock, Arkansas.

STATEMENT OF THE CASE

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

On January 14, 2024, the claimant filed an AR-C requesting various compensation benefits in which he alleges an injury to his right arm on or about January 10, 2024. There has been no request for a hearing and no further action was taken in this claim.

On July 16, 2025, the respondents filed a Motion to Dismiss requesting that this claim be dismissed for lack of prosecution. A hearing was scheduled for October 9, 2025. Notice of that hearing was sent to the claimant by certified mail, return receipt requested on August 22, 2025. That certified mail notice was returned to the Commission by the Post Office with a notation "Return to Sender. Unclaimed. Unable to Forward."

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 a review of the

respondents' Motion to Dismiss, the claimant's lack of desire to pursue her claim, and her 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.

**HONORABLE ERIC PAUL WELLS
ADMINISTRATIVE LAW JUDGE**