BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION
AWCC FILE № H505921

MICHAEL C. JOHNSON, EMPLOYEE	**CLAIMANT**
B & R FARMS PARTNERSHIP, EMPLOYER	**RESPONDENT**
TECHNOLOGY INS. CO., CARRIER/ AMTRUST NORTH AMERICA, TPA	**RESPONDENT**

OPINION FILED 21 JULY 2026

Heard before Arkansas Workers' Compensation Commission Administrative Law Judge JayO. Howe on 28 May 2026 in McGehee, Arkansas.

The *pro se* claimant did not appear.

Frye & Denson Law Firm, Mr. Jacob Denson, appeared for the respondents.

STATEMENT OF THE CASE

A hearing on the respondents' Motion to Dismiss was held on this matter in McGehee, Arkansas, on 28 May 2026. This case relates to alleged injuries sustained on or about 17 July 2019. The hearing record consists of the transcript, which includes Commission's Exhibit № 1 (a USPS delivery confirmation receipt and the Form AR-C filed by the claimant on 15 September 2025).

On 20 March 2026, the respondents requested via email that this claim be dismissed for want of prosecution. They noted that the claimant had taken no action on his claim since filing the AR-C. A copy of the email requesting the dismissal of the claim is blue-backed to this Order. In accordance with *Sapp v. Tyson Foods, Inc.*, 2010 Ark. App. 517, that document is being served on the parties along with this Order.

After receipt of the respondents' request for a dismissal, notice of the same was sent to the claimant, consistent with Commission practices, via First Class Mail and Certified Mail. Notice of a hearing on the respondents' motion was also sent in the same manner. A

Postal Service delivery receipt confirms delivery of the Commission's correspondence on 25 April 2026. The record does not reflect any responsive filings from the claimant; and he did not attend the hearing to object to the dismissal of this claim.

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

DISCUSSION

The respondents appeared on 28 May 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. As stated above, the claimant did not respond to the Commission's correspondence; nor did he appear at the hearing to object to the dismissal of this 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 is dismissed without prejudice.

SO ORDERED.

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JAYO. HOWE
ADMINISTRATIVE LAW JUDGE