

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION
AWCC FILE № H208973**

SHAWN LOCKHART, EMPLOYEE

CLAIMANT

EXPRESS SERVICES, INC., EMPLOYER

RESPONDENT

**AIU INSURANCE CO./ SEDGWICK CLAIMS
MANAGEMENT SERVICES, INC., CARRIER/TPA**

RESPONDENT

OPINION FILED 13 JANUARY 2026

Heard before Arkansas Workers' Compensation Commission ("the Commission")
Administrative Law Judge JayO. Howe on 11 December 2025 in Pine Bluff, Arkansas.

The *pro se* claimant failed to appear.

Worley, Wood & Parrish, P.A., Ms. Melissa Wood, appeared for the respondents.

STATEMENT OF THE CASE

A hearing on the respondents' Motion to Dismiss was held on this matter in Pine Bluff, Arkansas, on 11 December 2025. This case relates to an alleged workplace injury occurring on 15 December 2022. The record from the hearing consists of the transcript; Respondents' Exhibit № 1, which consisted of an index page and eight pages of documents and pleadings in support of their motion; and Commission's Exhibit № 1, three pages that included a Form AR-C filed by the claimant and two Postal Service delivery receipts from Commission correspondence with the claimant.

The record showed that on 27 December 2022, the respondents filed a First Report of Injury indicating a low back sprain. They subsequently filed a Form AR-2 indicating that they had accepted the claim and anticipated paying benefits. A Form AR-4 filed on 23 September 2024 showed that medical and other expenses had been paid on the claim. Then, on 14 April 2025, the claimant filed a Form AR-C, apparently seeking initial medical and indemnity benefits.

The respondents later requested that this claim be dismissed under Commission Rule 11 C.A.R. § 25-110(d) and/or Ark. Code Ann. § 11-9-702. They noted that in the six months preceding their motion, the claimant had not requested a hearing on an issue ripe for litigation.

Notice of the respondents' motion 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 sent in the same manner. The record does not reflect any responsive correspondence 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 is dismissed without prejudice under 11 C.A.R. § 25-110(d).

DISCUSSION

The respondents appeared on 11 December 2025 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 noted above, notice of the respondents' motion and notice of the scheduling of the hearing was provided to the claimant.

The file reflects no action in this matter by the claimant since he filed his Form AR-C on 14 April 2025. Similarly, no objection was filed to the respondents' motion to dismiss this claim. Further, the claimant did not appear at the hearing to object to the dismissal of his claim. Lastly, the record does not reflect a request for a hearing ever being filed in this claim.

The claimant has taken no action on her claim since the filing of his Form AR-C. Based on the evidence presented, a dismissal without prejudice is appropriate.

ORDER

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

SO ORDERED.

JAYO. HOWE
ADMINISTRATIVE LAW JUDGE