

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION
AWCC FILE № H501138**

DAKOTA PERKINS, EMPLOYEE	CLAIMANT
CITY OF REDFIELD, SELF-INSURED EMPLOYER	RESPONDENT
ARKANSAS MUNICIPAL LEAGUE, ADMINISTRATOR	RESPONDENT

OPINION FILED 14 NOVEMBER 2025

Heard before Arkansas Workers' Compensation Commission ("the Commission")
Administrative Law Judge JayO. Howe on 6 November 2025 in Pine Bluff, Arkansas.

The *pro se* claimant failed to appear.

The Arkansas Municipal League, Ms. Mary K. Edwards, 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 6 November 2025. This case relates to an alleged workplace injury occurring on 16 November 2023. The record of the hearing consists of the transcript; Respondents' Exhibit № 1, which consisted of one index page and five pages of documents; and Commission's Exhibit № 1, which consisted of three pages that included a Form AR-C filed on 21 February 2025 and two Postal Service delivery receipts from Commission correspondence with the claimant.

On 21 February 2025, the claimant filed a Form AR-C seeking medical expenses relating to an alleged injury to his right bicep. The respondents later requested that this claim be dismissed under Commission Rule 099.13 (now codified at 11 C.A.R. § 25-110(d)) and/or Ark. Code Ann. § 11-9-702. Their 11 September 2025 motion notes that as of the filing of that motion, the claimant had not requested a hearing on any 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 was sent in the same manner. Delivery confirmation receipts show that the claimant received both notice letters. He did not exercise his right to appear at the hearing to resist the respondents' motion.

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 6 November 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 claimant did not file a response to the motion or appear at the hearing to argue against the dismissal of his claim.

The claimant filed his Form AR-C on 21 February 2025. No filings have been made by the claimant since the filing of the Form AR-C; and he has failed to make a request for a hearing on his claim. Likewise, 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.

D. PERKINS- H501138

The record does not reflect a request for a hearing ever being filed in this claim.
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