

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. H502635

**ALAN R. POGUE (DECEASED),
EMPLOYEE**

CLAIMANT

**WERNER ENTERPRISES, INC.,
EMPLOYER, SELF INSURED**

RESPONDENT

**ACE AMERICAN INSURANCE CO.,
INSURANCE CARRIER**

RESPONDENT

**HELMSMAN MANAGEMENT SERVICES
LLC, THIRD PARTY ADMINISTRATOR**

RESPONDENT

OPINION AND ORDER FILED FEBRUARY 24, 2026

A Hearing before Administrative Law Judge James D. Kennedy in Little Rock, Arkansas, was held on February 10, 2026.

Claimant was pro-se and failed to appear.

Respondents were represented by Rick Behring, Jr., of Little Rock, Arkansas.

STATEMENT OF THE CASE

A hearing was held in the above styled matter on the 10th day of February 2026, in Little Rock, Arkansas, on Respondent's Motion to Dismiss for failure to prosecute pursuant to Arkansas Code Ann. 11-9-702 and 11 C.A.R. 25-110(d), which was previously named Rule 099.13 of the Arkansas Workers' Compensation Commission. The Claimant was pro se and failed to appear. The Respondents were represented by Rick Behring Jr. of Little Rock, Arkansas. The Claimant's widow had filed an AR – C Form on or about April 29, 2025, where she contended that her husband while "loading his semi at the Dollar General Distribution Center" was found on the ground struggling and was then taken to the hospital where he died. The C Form requested medical expenses and

attorney fees. The Respondents filed an AR- 2 Form which provided that the date of Claimant's death was February 18, 2025, that the claim was denied due to a jurisdictional dispute and also denied in its entirety as the deceased suffered from a personal health condition that resulted in his death. The Claimant's probate attorney, Conner Kelsey of Lion Legal Services, notified the Commission by a letter dated November 25, 2025, that they were representing the Claimant in related probate proceedings, requested copies of documents in regard to the claim before the Commission, and affirmatively stated that Ms. Pogue was objecting to the dismissal of the workers' compensation claim. Later, attorney Conner Kelsey by email stated and affirmed that his firm does not handle workers' compensation claims, that he had forwarded all the information he had received to Ms. Pogue and instructed her to obtain separate legal counsel in regard to the workers' compensation claim.

A Motion to Dismiss was filed on November 12, 2025, and the Claimant's widow failed to file a response. The Respondent's had previously propounded Interrogatories and Requests for Production of Documents which had not been responded to. The Claimant's widow has taken no steps since the original filing to pursue her claim and has made no filing for discovery, no filing of responses to the propounded interrogatories, and filing in response to the Motion to Dismiss. The Claimant's widow has not taken any action to prosecute her claim, and it has been more than six months since the Claimant's widow had filed her AR-C or requested a hearing.

After proper and reasonable notice, a hearing was held on February 10, 2026, and the Claimant's widow failed to appear. The Respondents were represented by Rick Behring, Jr., who requested that the matter be dismissed pursuant to 11 C.A.R. 110(d) of

the Arkansas Workers' Compensation Commission and the provisions of Arkansas Code Ann. 11-9-702.

ORDER

Pursuant to the above statement of the case, documents entered into the record, and statements by the Attorney for the Respondents, there is no alternative but to grant the Motion to Dismiss without prejudice pursuant to 11 C.A.R. 110(d) of the Arkansas Workers' Compensation Commission and A.C.A. 11-9-702, based upon the Claimant failing to prosecute her claim within the last six months and after a meritorious application to the Commission by the Respondents requesting that the claim be dismissed, after reasonable notice to all parties.

IT IS SO ORDERED.

JAMES D. KENNEDY
ADMINISTRATIVE LAW JUDGE