BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO.: H506400

C.L. RIMES,
EMPLOYEE CLAIMANT

B I D GROUP TECHNOLOGIES US, INC.,
EMPLOYER RESPONDENT

CHARTER OAK FIRE INSURANCE COMPANY,
CARRIER/TPA RESPONDENT

OPINION FILED AUGUST 6, 2026

Hearing held before Administrative Law Judge Chandra L. Black, in El Dorado, Union County, Arkansas.

Claimant (Pro Se, unrepresented) did not appear at the hearing.

Respondents represented by the Honorable Guy Alton Wade, Attorney at Law, Little Rock, Arkansas.

Statement of the Case

A hearing was held on August 5, 2026, in the present matter pursuant to *Dillard v. Benton County Sheriff's Office*, 87 Ark. App. 379, 192 S.W. 3d 287 (2004), to determine whether the above-referenced matter should be dismissed for failure to prosecute under the provisions of Ark. Code Ann. §11-9-702 (Repl. 2012), and Arkansas Workers' Compensation Commission Rule 099.13 (now codified at 11 C.A.R. § 25-110(d)).

Appropriate Notice of this hearing was had on all parties to their last known address, in the manner prescribed by law.

Therefore, the record consists of the transcript of the August 5, 2026, hearing and the documents contained therein. In that regard, Commission's Exhibit 1 includes two pages of documents from the United States Postal Service; and Respondents' Exhibit 1 is a Respondents' Hearing Exhibit Index encompassing eighteen numbered pages.

No testimony was taken.

Procedural History

On October 6, 2025, the Claimant's former attorney filed with the Commission a claim for Arkansas workers' compensation benefits via a Form AR-C. Specifically, the Claimant alleged that he sustained an injury to his left knee on June 7, 2024, in the course and scope of employment with the above referenced respondent-employer. The Claimant's attorney checked all the boxes for workers' compensation benefits, in the form of initial and additional workers' compensation benefits.

The respondent-insurance-carrier filed a Form AR-2 with the Commission on October 30, 2025, wherein they denied compensability of the claim on the grounds of "No injury per statutory definition." The Claimant also filed a claim for workers' compensation benefits in Mississippi.

On November 11, 2025, the Claimant's attorney sent a letter to the Commission and requested a change of physician. The Commission's Medical Cost Containment Division's nurse sent a letter to the Claimant's attorney on November 24, 2025, denying the request because the claim was controverted in its entirety.

As a result, the Claimant's attorney wrote a letter to the Commission stating, "Please refer this claim to a judge." Therefore, the hearing process was started by my office.

On March 11, 2026, I conducted a prehearing telephone conference with the parties. At that time, an issue arose concerning the claim being filed in the state of Mississippi for the same injury. At that time, the parties agreed that the case should be returned to the Commission's general files pending resolution of the Mississippi workers' compensation claim.

The Claimant's attorney filed with the Commission a motion to withdraw from representing the Claimant in this matter on March 17, 2026. The Full Commission entered an

order on April 1, 2026, granting the Claimant's attorney motion to withdraw as counsel of record in this claim.

Since this time, there has been no bona fide action on the part of the Claimant to prosecute this claim or otherwise pursue any benefits.

On November 6, 2026, the Respondents filed with the Commission a letter-motion asking that the claim be dismissed for a lack of prosecution. The Respondents tried to notify the Claimant of their motion by way of mailing a copy of it to the Claimant.

My office sent a letter-notice to the Claimant on June 22, 2026. Per this correspondence, the Claimant was given a deadline of twenty days, for filing a written response to the Respondents' motion to dismiss his workers' compensation claim.

This letter was sent via the United States Postal Service by way of regular and certified mail. Information received from the Postal Service shows that the notice sent via certified mail was delivered to the Claimant's home on June 26, 2026. Moreover, the notice sent via regular mail has not been returned to the Commission.

Therefore, per a Hearing Notice dated July 15, 2026, my office notified the parties that a hearing had been scheduled to address the Respondents' motion to dismiss his workers' compensation claim due to a lack of prosecution. Said hearing was scheduled for August 5, 2026, at 9:00 a.m., in El Dorado, Arkansas.

The notice of hearing was sent to the Claimant by both regular and certified mail. The notice sent via regular mail has not been returned to the Commission. Information received on July 31, 2026, from the Postal Service shows that the notice sent via certified mail has gone unclaimed and is being returned to the Commission. The aforementioned evidence leads me to conclude that the Claimant had actual notice of the dismissal hearing.

Subsequently, a hearing was in fact conducted on the Respondents' motion for dismissal as scheduled. The Claimant did not appear at the hearing. Nevertheless, the Respondents appeared through their attorney. Counsel for the Respondents noted that the Claimant has failed to timely prosecute his claim for workers' compensation benefits. Counsel essentially advised that there has been no bona fide attempt on the part of the Claimant to move forward with a hearing since the filing of the Form AR-C in October 2025; and that the Claimant failed to appear at the hearing to oppose to his claim being dismissed.

Adjudication

The statutory provisions and Commission Rule applicable in this claim are outlined below.

Specifically, Ark. Code Ann. §11-9-702(a)(4) provides:

> If within six (6) months after the filing of a claim for compensation, no bona fide request for a hearing has been made with respect to the claim, the claim may, upon motion and after hearing, be dismissed without prejudice to the refiling of the claim within the limitation periods specified in subdivisions (a)(1)-(3) of this section.

Additionally, Ark. Code Ann. §11-9-702(d) provides:

> If within six (6) months after the filing of a claim for additional compensation, no bona fide request for a hearing has been made with respect to the claim, the claim may, upon motion and after hearing, if necessary, be dismissed without prejudice to the refiling of the claim within the limitation period specified in subsection (b) of this section.

Rule 099.13 (now codified at 11 C.A.R. § 25-110) reads:

> The Commission may, in its discretion, postpone or recess hearings at the instance of either party or on its own motion. No case set for hearing shall be postponed except by approval of the Commission or Administrative Law Judge.
>
> In the event neither party appears at the initial hearing, the case may be dismissed by the Commission or Administrative Law Judge, and such dismissal order will become final unless an appeal is timely taken therefrom or a proper motion to

> reopen is filed with the Commission within thirty (30) days from receipt of the order.
>
> Upon meritorious application to the Commission from either party in an action pending before the Commission, requesting that the claim be dismissed for want of prosecution, the Commission may, upon reasonable notice to all parties, enter an order dismissing the claim for want of prosecution. (Effective March 1, 1982)

The record before me proves that the Claimant has failed to timely prosecute his claim for workers' compensation benefits. The Claimant did not appear at the hearing to object to his claim being dismissed. There is also evidence before me showing that the Claimant in this matter has a pending claim in the state of Mississippi, for the same incident.

Therefore, per Rule 099.13 of this Commission (now codified at 11 C.A.R. § 25-110(d)), this claim is hereby dismissed, *without prejudice,* to the refiling of it within the limitation period specified by law.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

On the basis of 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 Arkansas Workers' Compensation Commission has jurisdiction of this claim.

2. The Respondents filed with the Commission, letter-motion to dismiss this claim, for which a hearing was held.

3. The evidence preponderates that the Claimant has failed to timely prosecute his claim for workers' compensation benefits. The Claimant did not appear at the hearing to oppose his claim being dismissed.

4. Appropriate notice of the dismissal hearing was attempted on all parties to their last known address, in the manner prescribed by Arkansas law.

5. The Respondents' motion to dismiss is hereby granted *without prejudice,* pursuant to Commission Rule 099.13, (now codified at 11 C.A.R. § 25-110(d)) to the refiling of it within the limitation period specified under the law.

ORDER

In accordance with the findings of fact and conclusions of law set forth above, this claim is hereby dismissed pursuant to Commission Rule 099.13(now codified at 11 C.A.R. § 25-110(d)), *without prejudice,* to the refiling of it within the appropriate limitation period established under the law.

IT IS SO ORDERED.

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CHANDRA L. BLACK
Administrative Law Judge