

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION  
WCC NO. H304678**

**BRUCE ROBERTS,  
EMPLOYEE**

**CLAIMANT**

**CITY OF JONESBORO,  
EMPLOYER**

**RESPONDENT**

**MUNICIPAL LEAGUE WC PROGRAM,  
CARRIER/TPA**

**RESPONDENT**

**OPINION FILED MARCH 30, 2026**

Hearing conducted on Friday, February 27, 2026, before the Arkansas Workers' Compensation Commission (the Commission), Administrative Law Judge (ALJ) Steven Porch, in Jonesboro, Craighead County, Arkansas.

The Claimant is *Pro Se*, of Jonesboro, Arkansas.

The Respondents were represented by Ms. Mary K. Edwards, Attorney at Law, North Little Rock, Arkansas.

**I. BACKGROUND**

This matter comes before the Commission on a Motion to Dismiss filed by Respondents on December 15, 2025. A hearing on the motion was conducted on February 27, 2026, in Jonesboro, Arkansas. Claimant, according to Commission file is *Pro Se*, failed to appear at the hearing.

The Claimant worked for the Respondent/Employer as a fire fighter. The date for Claimant's alleged injury was on June 17, 2023. This incident was reported to the Respondent/Employer on the same date. Admitted into evidence was Respondents' Exhibit 1, pleadings, and correspondence, consisting of 10 pages, and Commission Ex. 1, emails, and U.S. Mail return receipts, consisting of 4 pages, *as discussed infra*.

The record reflects on July 26, 2023, a Form AR-1 was filed with the Commission noting that Claimant injured his left shoulder while lifting the dump tank from a tanker. Also on July 26, 2023, a Form AR-2 was filed accepting claim as medical-only. On August 22, 2023, a Form AR-2 was filed no longer accepting or denying compensability. On March 21, 2025, a Form AR-C was filed purporting that Claimant sustained a torn rotator cuff injury in his left shoulder in a work-related incident.

The Respondents filed a motion to dismiss for lack of prosecution on December 15, 2025. The Claimant was sent, on December 19, 2025, notice of the Motion to Dismiss, via certified and regular U.S. Mail, to his last known address. The certified motion notice was claimed by Claimant as noted on the December 24, 2025, return receipt. This notice was also sent regular U.S. Mail and did not return to the Commission. Despite this, the Claimant did not respond to the Motion, in writing, as required. Thus, in accordance with applicable Arkansas law, the Claimant was mailed due and proper legal notice of Respondents' Motion to Dismiss hearing date at his current address of record via the United States Postal Service (USPS), First Class Certified Mail, Return Receipt Requested, and regular First-Class Mail, on January 21, 2026. The certified notice was claimed as noted by the January 28, 2026, return receipt. Likewise, the hearing notice sent regular First-Class was not returned to the Commission. The hearing took place on February 27, 2025. And as mentioned before, the Claimant did not show up to the hearing.

## **II. FINDINGS OF FACT AND CONCLUSIONS OF LAW**

After reviewing the record as a whole and other matters properly before the Commission, 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 claim.

2. The Claimant and Respondents both had reasonable notice of the February 27, 2026, hearing.
3. Respondents have proven by the preponderance of the evidence that Claimant has failed to prosecute his claim under 11 C.A.R. §25-110(d) (formerly AWCC Rule 099.13).
4. The Respondents' Motion to Dismiss should be granted.
5. This claim is hereby dismissed without prejudice.

### **III. DISCUSSION**

11 C.A.R. §25-110(d) provides:

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.

*See generally Johnson v. Triple T Foods*, 55 Ark. App. 83, 85, 929 S.W.2d 730 (1996).

Consistent with 11 C.A.R. §25-110(d), the Commission scheduled and conducted a hearing, with reasonable notice, on the Respondents' Motion to Dismiss. The certified hearing notice was claimed by Claimant, per the return postal notice bearing the January 28, 2026, date. Thus, I find by the preponderance of the evidence that reasonable notice was given to the Claimant.

Furthermore, 11 C.A.R. §25-110(d) allows the Commission, upon meritorious application, to dismiss an action pending before it due to a want of prosecution. The Claimant filed his Form AR-C on March 21, 2025. Since then, he has failed to prosecute his claim. Therefore, I do find by the preponderance of the evidence that Claimant has failed to prosecute his claim. Thus, Respondents' Motion to Dismiss should be granted.

**CONCLUSION**

Based on the Findings of Fact and Conclusions of Law set forth above, Respondents' Motion to Dismiss is hereby granted, and Claimant's claim is dismissed *without prejudice*.

**IT IS SO ORDERED.**

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STEVEN PORCH  
Administrative Law Judge