

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION
AWCC FILE № H302598**

TRUMMONIQUE SHABAZZ, EMPLOYEE	CLAIMANT
ADECCO USA, INC., EMPLOYER	RESPONDENT
AIU INSURANCE CO./SEDGWICK CLAIMS MANAGEMENT, CARRIER/TPA	RESPONDENT

OPINION FILED 21 AUGUST 2025

Heard before Arkansas Workers' Compensation Commission ("the Commission")
Administrative Law Judge JayO. Howe on 18 June 2025 in Little Rock, Arkansas.

The *pro se* claimant failed to appear.

Anderson Murphy Hopkins, LLP, Mr. Randy Murphy, appeared for the respondents.

STATEMENT OF THE CASE

A hearing on the respondents' Motion to Dismiss was held on this matter in Little Rock, Arkansas, on 18 June 2025. This case relates to an alleged workplace injury occurring on 12 April 2023. The record of the hearing consists of the transcript; Respondents' Exhibit № 1, which consisted of nine pages of documents and pleadings in support of their motion; Commission's Exhibit № 1, six pages of correspondence and an Order on a request to withdraw filed by the claimant's previous counsel; and Commission's Exhibit № 2, a Form AR-C filed on 14 May 2024 and three delivery receipts from Commission correspondence with the claimant. Also, I am blue-backing to this opinion the hearing notice sent to the claimant on 7 May 2025. In accordance with *Sapp v. Tyson Foods, Inc.*, 2010 Ark. App. 517, 2010 Ark. App. LEXIS 549, that document is being served on the parties in conjunction with this opinion.

On 9 May 2023, the claimant, though then-counsel, filed an initial Form AR-C. A second Form AR-C was filed on 14 May 2024. Claimant's counsel requested leave to withdraw as counsel on 3 February 2025. The claimant objected to the same in a letter dated 8 February 2025. Counsel responded to the claimant's objection in a letter dated 25 February 2025. In an Order dated 25 March 2025, I granted Counsel's request to withdraw her representation from this matter.

The respondents then requested that this claim be dismissed under Commission Rule 099.13 (now codified at 11 C.A.R. § 25-110(d)) and/or A.C.A. § 11-9-702. They note that the claimant had not requested a hearing on an issue ripe for litigation.

Notice of the respondents' motion was sent to the address provided by the claimant in the letter objecting to the withdrawal. Consistent with Commission practices, notices were sent via First Class Mail and Certified Mail. Notice of the hearing on the respondents was sent in the same manner. Receipt of the 7 May 2025 hearing notice letter was confirmed by the claimant's signature on 9 May 2025.

FINDINDGS 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 18 June 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.

Nearly two years after filing his initial Form AR-C, Claimant’s counsel requested leave to withdraw, noting that she had discussed the matter with the claimant in advance of her request. The last action taken on behalf of the claimant appears to be his letter responding to her withdrawal request. The claimant stated that he was “conflicted by this request.” He also stated that he “would be satisfied if the council (sic) would continue until the case is concluded.” Counsel filed a response and noted that no additional benefits appeared to be available to the claimant. I later granted the request to end the attorney-client relationship in this matter. No filings have been made by the claimant since the entry of that Order.

The claimant did not appear to object to the dismissal of his claim. The record does not reflect a request for a hearing. A dismissal without prejudice is, therefore, appropriate.

ORDER

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

SO ORDERED.

JAYO. HOWE
ADMINISTRATIVE LAW JUDGE