BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION
CLAIM NO. H506634

ANDREW SIMMONS, EMPLOYEE	**CLAIMANT**
VS.	
TYSON POULTRY, EMPLOYER, SELF INSURED	**RESPONDENT**
SELF INSURED ADMINISTRATOR	**RESPONDENT**

OPINION AND ORDER FILED JULY 29, 2026

A Hearing before Administrative Law Judge James D. Kennedy in Russellville, Arkansas, was held on June 30, 2026.

Claimant was pro-se and failed to appear.

Respondents were represented by J. Matthew Mauldin, Jr., of Little Rock, Arkansas.

STATEMENT OF THE CASE

A hearing was held in the above styled matter on the 30th day of June 2026, in Russellville, 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), 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 J. Matthew Mauldin of Little Rock, Arkansas. The Claimant had previously been represented by Jarid M. Kinder, who was allowed to withdraw by an Order of the Full Commission dated February 18, 2026.

A Motion to Dismiss was filed on April 27, 2026. The claimant had filed an AR-C on October 16, 2025, and had taken no additional action to prosecute his claim and made no filing for discovery. Additionally, the claimant failed to file a response to the Motion to

Dismiss. The Claimant has not taken any action to prosecute his claim, and it has been more than six months since the Claimant has filed his AR-C or requested a hearing.

After proper and reasonable notice, a hearing was held on June 30, 2026, and the Claimant failed to appear. The Respondents were represented by J. Mathew Mauldin 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 his claim within the last six months and after a meritorious application to the Commission by the Respondent requesting that the claim be dismissed after reasonable notice to all parties.

IT IS SO ORDERED.

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JAMES D. KENNEDY
ADMINISTRATIVE LAW JUDGE