

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. H404974

SAMANTHA N. STEWART, EMPLOYEE

CLAIMANT

**ADP TOTAL SOURCE GROUP, INC. D/B/A
RIVER LODGE ASSISTED LIVING, LLC,
EMPLOYER, SELF INSURED**

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 Mountain Home, Arkansas, was held on February 18, 2026.

Claimant was pro se and failed to appear.

Respondents were represented by David C. Jones, of Little Rock, Arkansas.

STATEMENT OF THE CASE

A hearing was held in the above styled matter on the 18th day of February 2026, in Mountain Home, 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 had been previously represented by Frederick "Rick" Spencer, of Mountain Home, Arkansas, who had filed a Motion to Withdraw and who stated by email that he had been unable to contact the Claimant at the address she had provided. The attorney for the Claimant was allowed to withdraw at the time of the hearing. The Respondents were represented by David C. Jones of Little Rock, Arkansas. The Claimant contended that she had injured her "lead foot" on March 5, 2024, where she "possibly" tore a tendon while pushing a medical cart. The claim was accepted as a compensable medical only

claim. An AR-C Form was filed on March 5, 2024. The First Report of Injury provided that the Claimant did not notify the Respondents of her injury until May 25, 2025. Discovery was propounded to the Claimant, on or about September 17, 2024, and the Claimant failed to respond. The Claimant has made no request for a hearing since the filing of the claim. A medical report dated December 3, 2024, provided that the Claimant could return to work, full duty.

A Motion to Dismiss was filed on December 11, 2025, contending that no request for a hearing had been made within six months of the filing of the AR-C, that all appropriate medical benefits had been paid, and that the matter should be dismissed pursuant to A.C.A. 11-9-702 and 11 C.A.R. 25-110(d), which provides that upon a meritorious application to the Commission by either party 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. The Claimant failed to file a response to the Motion to Dismiss.

After proper and reasonable notice, a hearing was held on February 18, 2026, and the Claimant failed to appear. The Respondents were represented by David C. Jones, 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 A.C.A. 11-9-702, and that the Claimant had taken no steps to pursue her claim.

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