BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION
CLAIM NO. H406862

CODY STEVENS, EMPLOYEE	**CLAIMANT**
SNAP ON, INC., EMPLOYER	**RESPONDENT**
XL SPECIALTY INS., CARRIER/TPA	**RESPONDENT**
GALLAGHER BASSETT SERVICES, INC., TPA	**RESPONDENT**

OPINION FILED OCTOBER 28, 2026

Hearing before Administrative Law Judge, Steven Porch, on September 29, 2026, in Little Rock, Pulaski County, Arkansas.

Claimant was *Pro Se*.

Respondents were represented by Mr. Jarrod Parrish, Attorney at Law, Little Rock, Arkansas.

I. BACKGROUND

This matter comes before the Commission on a Motion to Dismiss filed by Respondents on July 8, 2026. A hearing on the motion was conducted on September 29, 2026, in Little Rock, Arkansas. Claimant, according to Commission file is *Pro Se*, and he did not appear at the hearing.

The Claimant worked for the Respondent/Employer as an assembler. The date for Claimant's alleged injury was on September 11, 2024. He reported his injury to Respondent/Employer on October 2, 2024. Admitted into the record was Respondents' Exhibit 1, pleadings, and correspondence, consisting of 14 pages, Commission Ex. 1, pleadings, correspondence, and U.S. Mail return receipts, consisting of 12 pages, *as discussed infra*.

The record reflects on October 18, 2024, a Form AR-1 was filed with the Commission stating that the Claimant bent down to insert a pedal on a cabinet and injured his knee when he stood up. On October 21, 2024, a Form AR-2 was filed by Respondents denying compensability.

On March 19, 2025, a Form AR-C was filed with the Commission by Claimant's then-attorney, Gary Davis, purporting that Claimant sustained an injury to his left knee when he bent down to assemble a cabinet. The Claimant requested a hearing, and the hearing was held on January 13, 2026, when the Commission found that the Claimant's alleged injury was not compensable.

On July 8, 2026, Respondents filed a Motion to Dismiss for Failure to Prosecute. Claimant's counsel filed a Motion to Withdraw on July 29, 2026. The Claimant was sent, on August 7, 2026, notice of the Motion to Dismiss and Withdrawal, via certified and regular U.S. Mail, to his last known address. The certified motion notice was not claimed by Claimant, per return receipt. This notice was also sent regular U.S. Mail and did not return to the Commission. The Claimant contacted my assistant, via telephone call, and did not object to the counsel withdrawal or the dismissal. The Claimant's Motion to Withdraw as Counsel was granted on August 27, 2026. Also, 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 August 28, 2026. The certified notice was not claimed by the Claimant. However, the hearing notice sent regular First-Class mail did not return to the Commission. The hearing took place on September 29, 2026. 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 September 29, 2026, hearing.

3. Respondents have proven by the preponderance of the evidence that Claimant has failed to prosecute his claim under 11 CAR §25-110(d) [formerly AWCC Rule 099.13] and A.C.A. §11-9-701.

4. The Respondents' Motion to Dismiss should be granted.

5. This claim is hereby dismissed without prejudice.

III. DISCUSSION

11 CAR §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 CAR §25-110(d), the Commission scheduled and conducted a hearing, with reasonable notice, on the Respondents' Motion to Dismiss. The certified hearing notice was not claimed by Claimant, per the return postal notice. The hearing notice sent regular First-Class mail was not returned to the Commission. Thus, I find by the preponderance of the evidence that reasonable notice was given to the Claimant.

Also 11 CAR §25-110(d) allows the Commission, upon meritorious application, to dismiss an action pending before it due to a want of prosecution. Since the Claimant's full hearing dated January 13, 2026, the Claimant has stopped prosecuting his claim and has not requested another hearing. Moreover, Claimant contacted my assistant, Melanie Miller, and informed her that he did not object to the dismissal. I take the Claimant at his word. 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, *without prejudice*.

IT IS SO ORDERED.

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STEVEN PORCH
Administrative Law Judge