BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION
AWCC FILE № H505848

TERRENCE L. THOMPSON, EMPLOYEE	**CLAIMANT**
JEFFERSON COUNTY, EMPLOYER	**RESPONDENT**
AAC RISK MANAGEMENT SERVICES, CARRIER/TPA	**RESPONDENT**

OPINION FILED 21 JULY 2026

Heard before Arkansas Workers' Compensation Commission Administrative Law Judge JayO. Howe on 9 July 2026 in Pine Bluff, Arkansas.

Mays, Byrd & O'Guinn, PLLC, Mr. Richard Mays, appeared for the claimant.

Worley, Wood & Parrish, P.A., Ms. Melissa Wood, appeared for the respondents.

STATEMENT OF THE CASE

A hearing on the respondents' Motion to Dismiss was held on this matter in Pine Bluff, Arkansas, on 9 July 2026. This case relates to accepted compensable injuries sustained on or about 8 September 2025. The hearing transcript includes Respondents' Exhibit № 1 (one index page and 13 pages of records supporting the respondents' motion).

A First Report of Injury was filed on 8 September 2025. It indicated that the claimant suffered a broken right hip during the course and scope of his employment. A Form AR-2 Filed on 19 September 2025 reflected that the respondents had accepted the claim and had begun providing benefits. The most recent Form AR-C seeking additional benefits was filed by the claimant's counsel on 31 October 2025. The form indicated that the claimant was seeking permanent total disability benefits, rehabilitation, attorney's fees, and medical expenses.

On 1 May 2026, the respondents requested that this claim be dismissed for want of prosecution. In their motion, the respondents argued that more than six months had passed

without a bona fide request for a hearing. They argued that if the claimant did not agree to the dismissal of the claim, then they were entitled to a hearing on their motion. The claimant did timely object to his claim being dismissed; and the matter was set for a hearing, accordingly.

The claimant appeared with counsel at the hearing and argued that the respondents' motion was not timely. He testified that he was continuing to seek treatment, that he had not yet received a permanent impairment rating, and that he did not wish to abandon his claim for any benefits to which he may be entitled.

FINDINGS 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 not failed to prosecute his claim under 11 C.A.R. § 25-110(d).

4. The Motion to Dismiss is hereby denied without prejudice.

DISCUSSION

The respondents appeared on 9 July 2026 and presented their motion. The claimant also appeared and argued against a dismissal. The gist of the claimant's argument was that a dismissal of his claim would be premature. The respondents continued to provide benefits that appeared to be appropriate, but the claimant anticipated being entitled to additional benefits that had not yet been requested, possibly including permanent disability benefits. Based on the claimant's testimony and my review of the evidence presented, I agree that a dismissal at this time would be untimely.

ORDER

Consistent with the Findings of Fact and Conclusions of Law set forth above, the Motion to Dismiss is hereby DENIED without prejudice.

SO ORDERED.

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JAYO. HOWE
ADMINISTRATIVE LAW JUDGE