BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION
AWCC FILE № H505225

JAMES K. WASHINGTON, EMPLOYEE	**CLAIMANT**
CENTRAL MALONEY, INC., EMPLOYER	**RESPONDENT**
BRIDGEFIELD EMPLOYERS, INS. CO./ SUMMITT CONSULTING, LLC, CARRIER/TPA	**RESPONDENT**

OPINION FILED 11 AUGUST 2026

Heard before Arkansas Workers' Compensation Commission Administrative Law Judge JayO. Howe on 6 August 2026 in Pine Bluff, Arkansas.

The *pro se* claimant did not appear.

Friday, Eldredge & Clark, LLP, Mr. Guy Alton Wade, 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 6 August 2026. The hearing record consists of the transcript, which includes Commission's Exhibit № 1 (two USPS delivery confirmation receipts) and Respondents' Exhibit № 1 (seven pages of documents offered in support of their motion).

This case relates to alleged injuries sustained on or about 20 June 2025. The claimant filed a Form AR-C on 19 August 2025 seeking medical and indemnity benefits. The respondents filed their Form AR-2 on 3 October 2025, accepting the claim as compensable.

On 21 May 2026, the respondents filed their letter motion requesting that the claim be dismissed for want of prosecution. They argued that after accepting the claim as compensable, they paid medical and indemnity benefits until the claimant's release from care at maximum medical improvement without restrictions on 5 May 2026. They further argued that the claimant had taken no action on the claim since filing the Form AR-C.

After receipt of the respondents' request for a dismissal, notice of the same was sent to the claimant, consistent with Commission practices, via First Class Mail and Certified Mail. Subsequent notice of a hearing on the respondents' motion was also sent in the same manner. United States Postal Service delivery receipts confirm delivery of the Commission's correspondence to the claimant on 8 June 2026 and 24 June 2026, respectively. The record does not reflect any responsive filings from the claimant; and he did not attend the hearing to object to the dismissal of this claim.

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 failed to prosecute his claim under 11 C.A.R. § 25-110(d).

4. The Motion to Dismiss is hereby granted; this claim for additional benefits is dismissed without prejudice under 11 C.A.R. § 25-110(d).

DISCUSSION

The respondents appeared on 6 August 2026 and presented their motion. As argued by the respondents at the hearing, 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. As stated above, the claimant received notice of the hearing. He did not respond to the Commission's correspondence; nor did he appear at the hearing to object to the dismissal of this claim. And the record reflects no action on his part to prosecute his claim since the filing of the Form AR-C. Based on my review of the evidence presented, a dismissal without prejudice is appropriate.

ORDER

Consistent with the findings of fact and conclusions of law set forth above, the Motion to Dismiss is hereby GRANTED. This claim is dismissed without prejudice.

SO ORDERED.

_____
JAYO. HOWE
ADMINISTRATIVE LAW JUDGE