

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION
WCC NO. H405442**

**JASON WILLETT,
EMPLOYEE**

CLAIMANT

**ZEKELMAN INDUSTRIES, INC.,
EMPLOYER**

RESPONDENT

**TRAVELERS CASUALTY INS. CO. AMERICA,
CARRIER/TPA**

RESPONDENT

OPINION FILED JULY 29, 2025

Hearing conducted on Friday, June 27, 2025, before the Arkansas Workers' Compensation Commission (the Commission), Administrative Law Judge (ALJ) Steven Porch, in Jonesboro, Craighead County, Arkansas.

The Claimant, Mr. Jason Willett, *Pro Se*, of Holcomb, Missouri.

The 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 March 25, 2025. A hearing on the motion was conducted on June 27, 2025, in Jonesboro, Arkansas. Claimant, according to Commission file is *Pro Se*, failed to appear at the hearing.

The Claimant worked for the Respondent/Employer as an entry operator. The date for Claimant's alleged injury was on August 6, 2024. He reported his injury to Respondent/Employer on the same day. Respondents admitted into the record Respondents' Exhibit 1, pleadings, consisting of 12 pages. The Commission has admitted into evidence Commission Ex. 1, pleading, and U.S. Mail return receipts, consisting of 3 pages, *as discussed infra*.

The record reflects on August 22, 2024, a Form AR-C was filed with the Commission by Claimant's then-counsel, Laura Beth York, purporting that Claimant sustained work-related

injuries to his neck, clavicle, right shoulder, and right and left lower back. On August 30, 2024, a Form AR-1 was filed with the Commission purporting that Claimant's disability specifically occurred when he got pinched between the coil and telescoping arms of a machine. On August 30, 2024, a Form AR-2 was filed by Respondents accepted compensability for the right shoulder fracture and neck injury. On February 12, 2025, Claimant's counsel filed a motion to withdraw as counsel. The Full Commission granted the motion on March 4, 2025.

On March 25, 2025, Respondents' counsel filed a Motion to Dismiss due to Claimant's failure to prosecute his claim. The Claimant was sent, on April 3, 2025, notice of the Motion to Dismiss, via certified and regular U.S. Mail, to his last known address. The certified motion notice was claimed by Claimant as noted on the April 14, 2025, return receipt. The Claimant did not respond to the Motion, in writing, as required. Thus, 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 May 2, 2025. The certified notice was claimed on May 12, 2025, as noted by the return receipt. The hearing took place on June 27, 2025. 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 June 27, 2025, hearing.

3. Respondents have proven by the preponderance of the evidence that Claimant has failed to prosecute his claim under AWCC Rule 099.13.
4. The Respondents' Motion to Dismiss should be granted.
5. This claim is hereby dismissed without prejudice.

III. DISCUSSION

AWCC 099.13 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 AWCC Rule 099.13, the Commission scheduled and conducted a hearing, with reasonable notice, on the Respondents' Motion to Dismiss. The certified hearing notice was claimed on May 12, 2025, per the return postal notice bearing the same date. Thus, I find by the preponderance of the evidence that reasonable notice was given to the Claimant.

AWCC Rule 099.13 allows the Commission, upon meritorious application, to dismiss an action pending before it due to a want of prosecution. The Claimant filed his Form AR-C on August 22, 2024. Since then, he has failed to request a bona fide hearing. Therefore, I do find by the preponderance of the evidence that Claimant has failed to prosecute his claim by failing to request a hearing. 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, and Claimant's claim is dismissed *without prejudice*.

IT IS SO ORDERED.

STEVEN PORCH
Administrative Law Judge