

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION
AWCC FILE № H303969**

JOHNNY L. BROWN, EMPLOYEE	CLAIMANT
CENTRAL MOLONEY, INC., SELF-INSURED EMPLOYER	RESPONDENT
RISK MANAGEMENT RESOURCES, TPA	RESPONDENT

OPINION FILED 13 AUGUST 2025

Heard before Arkansas Workers' Compensation Commission ("the Commission")
Administrative Law Judge JayO. Howe on 9 July 2025 in Little Rock, Arkansas.

The *pro se* claimant failed to appear.

Friday, Eldredge & Clark, LLP, Mr. Guy Wade, appeared for the respondents.

STATEMENT OF THE CASE

A hearing on the respondents' Motion to Dismiss was held on this matter in Little Rock, Arkansas, on 9 July 2025. This case relates to an alleged workplace injury occurring on 13 June 2023. The respondents introduced, and I admitted to the record as Respondents' Exhibit № 1, forty-six pages of forms, correspondence, and filings in support of their motion. Additionally, I admitted to the record as Commission's Exhibit № 1, which consisted of the one Form AR-C and two proof of delivery receipts.

The claimant, though then-counsel, initially filed a Form AR-C claiming a shoulder injury. The claimant later filed another Form AR-C claiming injuries to his right shoulder and other body parts. The claimant has been represented by different counsel at various times in this matter. His counsel have each moved to withdraw, and permission for the same was granted by the Full Commission in Orders dated 16 February 2024 and 30 April 2025. Prehearing Orders were entered on 20 December 2023 and 15 October 2024. Both were continued before the respective hearings were held.

The respondents requested that this claim for initial benefits be dismissed under Commission Rule 099.13 (now codified at 11 C.A.R. § 25-110(d)) on 6 May 2025. They note that the claimant has twice been represented and that he has yet to take a matter ripe for litigation to a hearing.

Notice of the respondents' motion was sent to the claimant, consistent with Commission practices, via First Class Mail and Certified Mail. Notice of the hearing on the respondents was sent in the same manner. Proof of delivery receipts show that those notices were delivered to the claimant's address:

908 N. Lee Street
Pine Bluff, Arkansas 71602

See Commission's Exhibit № 1.

FINDINDGS 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 that 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 9 July 2025 and presented their motion. As argued by the respondents at the hearing, Commission Rule 099.13 (now 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. The claimant did not file a response to the motion or appear at the hearing to argue against the dismissal of his claim. The last action taken on behalf of the

claimant appears to be his counsel's request for to withdraw from the matter on 1 April 2025. No efforts have since been made to proceed to a hearing on any claim that might be ripe for litigation. A dismissal without prejudice is, therefore, appropriate.

ORDER

The Motion to Dismiss is GRANTED, and this matter is DISMISSED WITHOUT PREJUDICE.

SO ORDERED.

JAYO. HOWE
ADMINISTRATIVE LAW JUDGE