

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION
WCC NO. H502518**

**CHRISTOPHER BROWN,
EMPLOYEE**

CLAIMANT

**EQUIX ENERGY, INC.,
EMPLOYER**

RESPONDENT

**XL SPECIALTY INS.,
CARRIER**

RESPONDENT

**SEDGWICK CLAIMS MGMT.
SERVICES, INC., TPA**

RESPONDENT

OPINION FILED MARCH 18, 2026

Hearing conducted on Friday, January 16, 2026, before the Arkansas Workers' Compensation Commission (the Commission), Administrative Law Judge (ALJ) Steven Porch, in Forrest City, St. Francis County, Arkansas.

The Claimant is *Pro Se*, of Little Rock, Arkansas.

The Respondents were represented by Ms. Karen McKinney, Attorney at Law, Little Rock, Arkansas.

I. BACKGROUND

This matter comes before the Commission on a Motion to Dismiss filed by Respondents on October 29, 2025. A hearing on the motion was conducted on January 16, 2026, in Forrest City, Arkansas. Claimant, according to Commission file is *Pro Se*, failed to appear at the hearing.

The Claimant worked for the Respondent/Employer as a laborer. The date for Claimant's alleged injury was on March 11, 2025. This incident was reported to the Respondent/Employer on the same day. Admitted into evidence was Respondents' Exhibit 1, pleadings, and correspondence, consisting of 43 pages, and Commission Ex. 1, pleadings, correspondence, and U.S. Mail return receipts, consisting of 9 pages, *as discussed infra*.

The record reflects on April 24, 2025, a Form AR-C was filed by Claimants then-attorney, Mark Peoples, purporting that Claimant sustained a work injury to his neck. On June 6, 2025, a Form AR-1 purporting that Claimant has neck pain with radiculopathy down his left arm. Also on June 17, 2025, a Form AR-2 was filed denying compensability based on insufficient evidence. On June 26, 2025, Claimant's then-attorney filed a motion to withdraw as Claimant's attorney. The Full Commission granted Mr. People's motion on July 25, 2025.

On October 29, 2025, Respondents filed a motion to dismiss due to a lack of prosecution, specifically not complying with discovery. The Claimant was sent, on November 10, 2025, notice of the Motion to Dismiss, via certified and regular U.S. Mail, to his last known address. The certified motion notice was not claimed by Claimant per return receipt dated November 24, 2025. This notice was also sent regular U.S. Mail and was returned to the Commission. Despite reasonable efforts to reach Claimant, 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 her current address of record via the United States Postal Service (USPS), First Class Certified Mail, Return Receipt Requested, and regular First-Class Mail, on December 10, 2025. The certified notice was not claimed as noted by the December 19, 2025, return receipt. Likewise, the hearing notice sent regular First-Class was not returned to the Commission. The hearing took place on January 16, 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 January 16, 2026, hearing.
3. Respondents have proven by the preponderance of the evidence that Claimant has failed to prosecute his claim under 11 C.A.R. §25-110(d) (formerly AWCC Rule 099.13).
4. The Respondents' Motion to Dismiss should be granted.
5. This claim is hereby dismissed without prejudice.

III. DISCUSSION

11 C.A.R. §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 C.A.R. §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 bearing the December 19, 2025, date. The hearing notice sent First-Class mail did not return to the Commission. The Claimant is responsible for providing the Commission with their most recent address. Sending the Claimant notices at their last known address of record is reasonable. Thus, I find by the preponderance of the evidence that reasonable notice was given to the Claimant.

Furthermore, 11 C.A.R. §25-110(d) 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 April 24, 2025. 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. 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