

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION
AWCC FILE № H503125**

DEDRIC COX, EMPLOYEE

CLAIMANT

LEXICON, INC., EMPLOYER

RESPONDENT

**AMERICAN CONTRACTORS INSURANCE GROUP/
TRISTAR CLAIMS MANAGEMENT SERVICES, CARRIER/TPA**

RESPONDENT

OPINION FILED 3 JUNE 2026

Heard before Arkansas Workers' Compensation Commission Administrative Law Judge JayO. Howe on 6 May 2026 in Little Rock, Arkansas.

The *pro se* claimant failed to appear.

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 Little Rock, Arkansas, on 6 May 2026. This case relates to an accepted compensable right leg injury sustained on or about 16 May 2025. The hearing record consists of the transcript, which includes Respondents' Exhibit № 1 (one index page and eight additional pages of records offered in support of their motion). Additionally, I have blue-backed to this Opinion two USPS proof-of-delivery receipts associated with correspondence to the claimant from the Commission. In accordance with *Sapp v. Tyson Foods, Inc.*, 2010 Ark. App. 517, 2010 Ark. App. LEXIS 549, these documents are being served on the parties in conjunction with this Opinion.

A First Report of Injury indicating a right leg injury was filed on 16 May 2025. On 27 May 2025, the respondents filed a Form AR-2 in which they represented that they had accepted the injury as compensable and were paying benefits. On 19 June 2025 and then again on 16 December 2025, the claimant filed a Form AR-C.

On 2 March 2026, the respondents filed a motion seeking a dismissal of the claim for want of prosecution. Citing Ark. Code Ann. § 11-9-702(a)(4) and 11 CAR § 25-110(d), they argued that more than six months had passed without a bona fide request for a hearing on an issue ripe for litigation.

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 motion was sent in the same fashion. Receipts evidencing proof of delivery associated with those notices have been blue-backed to this opinion. The claimant did not respond to those notices; nor did he appear at the hearing.

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 May 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 noted above, notice of the respondents' motion and notice of the scheduling of the hearing was provided to the claimant.

The respondents argue that the claimant has failed to prosecute his claim. He did not request a hearing on an issue ripe for litigation in the six months that preceded the filing of the respondents' motion. No objection was filed in response to the respondents' motion to dismiss this claim; and the claimant did not appear at the hearing to resist the dismissal of his claim. Based on 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 for additional benefits is dismissed without prejudice.

SO ORDERED.

JAYO. HOWE
ADMINISTRATIVE LAW JUDGE