

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION
AWCC FILE № H407071**

EDWARD K. GONSHOROWSKI, EMPLOYEE

CLAIMANT

LITTLE ROCK HL, EMPLOYER

RESPONDENT

**INDEMNITY INS. CO. OF NORTH AMER./
CCMSI, CARRIER/TPA**

RESPONDENT

OPINION FILED 8 JUNE 2026

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

The claimant appeared *pro se*.

The Frye & Denson Law Firm, Mr. Bill Frye, 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 left eye injury sustained on or about 20 October 2024. The hearing record consists of the transcript, which includes Respondents' Exhibit № 1 (a Form AR-C dated 17 January 2025).

A First Report of Injury indicating a left injury was filed on 23 October 2024. On 31 October 2024, the respondents filed a Form AR-2 in which they represented that they had accepted the claimant's injury as compensable and were paying benefits accordingly. The claimant later filed the Form AR-C that is noted above and included in the hearing record.

On 4 March 2026, the respondents filed a request seeking a dismissal of the claim for want of prosecution. Citing 11 CAR § 25-110(d), they noted that the claimant had not taken any action on his claim since the filing of the Form AR-C.

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. The claimant received those mailings and appeared at the hearing. He testified that the respondents had provided appropriate benefits related to his injury and that he understood his rights related to possibly seeking additional benefits in the future. He did not object to a dismissal without prejudice.

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 stated above, notice of the respondents' motion and notice of the scheduling of the hearing was provided to the claimant. Having received appropriate notice, the claimant appeared and discussed his claim at the hearing.

The respondents have been providing appropriate benefits on this claim. The claimant has not requested a hearing on any benefits to which he believes that he is entitled but has not yet received. The parties discussed the specifics around this claim before going on the record and then made clear their understanding of the same once on the

record. The claimant did not object to his claim being dismissed without prejudice. 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