

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO.:H504265

ZECHARIAH JEFFS,
EMPLOYEE

CLAIMANT

HONDA WORLD,
EMPLOYER

RESPONDENT

CENTRAL ARKANSAS AUTO DEALERS/
RISK MANAGEMENT RESOURCES,
CARRIER/TPA

RESPONDENT

OPINION FILED JUNE 11, 2026

Hearing held before Administrative Law Judge Chandra L. Black, in Little Rock, Pulaski County, Arkansas.

The Claimant, pro se/unrepresented did not appear at the hearing.

Respondents represented by the Honorable Melissa Wood, Attorney at Law, Little Rock, Arkansas.

STATEMENT OF THE CASE

On May 20, 2026, a hearing was held on the Respondents' motion to dismiss this claim for Arkansas workers' compensation benefits pursuant to *Dillard v. Benton County Sheriff's Office*, 87 Ark. App. 379, 192 S.W. 3d 287 (2004). Here, the sole issue for determination is whether this claim should be dismissed due to the Claimant's failure to timely prosecute it under the provisions of Ark. Code Ann. §11-9-702 (Repl. 2012), and/or Arkansas Workers' Compensation Commission Rule 099.13 (now codified at 11 C.A.R. § 25-110(d)).

Appropriate Notice of this hearing was had on all parties to their last known address, in the manner established by law.

The record consists of the transcript of May 20, 2026, hearing and the documents held therein. Specifically, Commission's Exhibit 1 includes fourteen pages of Notices from the

Commission to the parties, along with tracking information from the United States Postal Service; and Respondents' Exhibit 1 is the Respondents' Hearing Exhibit Index consisting of eight numbered pages.

No testimony was taken at the hearing.

Procedural History

The Claimant worked for the respondent-employer as a "lube tech bay" on June 3, 2025, when he alleged that he sustained a work-related incident. In that regard, on or about July 10, 2025, the Claimant filed a Form AR-C maintaining that he sustained a compensable injury in the course and scope of his employment with the respondent-employer. Per this document, the Claimant did not assert his entitlement to any initial or additional workers' compensation benefits. However, the Claimant stated the following for the description of his alleged injury: "I was picking up a lug nut from the around stood up really fast [sic] lift." It appears that the Claimant requested a change of physician.

Pursuant to a Form AR-2 filed by the Respondents with the Commission on or about July 14, 2025, accepting the claim. Specifically, the Respondents accepted this as a compensable medical only claim and paid some benefits.

Since the filing of the Form AR-C in July 2025, the Claimant has made no bona fide request for a hearing on the merits of his claim. Moreover, the Claimant has taken no affirmative action whatsoever to pursue or resolve his claim for workers' compensation benefits.

Therefore, the Respondents filed a *Motion to Dismiss for Failure to Prosecute* with the Commission on February 26, 2026, along with a certificate of service to the Claimant showing that a copy of this pleading was forwarded to him via email.

On February 27, 2026, my office sent a letter to the Claimant informing him of the Respondents' motion for dismissal of his workers' compensation claim, along with a deadline of twenty days for filing a written objection/response. This correspondence was sent by way of both first-class and certified mail.

The notice sent by regular mail was returned to the Commission. However, the Postal Service returned the notices to the Commission on or about March 10, 2026.

Still, the Claimant has failed to request a hearing.

As a result, the Commission set the matter for a hearing and notices for the hearing were mailed to the parties. However, there was an error in the mailing of the Claimant's Notice of Hearing in that it was not sent via certified mail. Therefore, my office generated an amended hearing notice resetting the matter for a dismissal hearing.

Per an Amended Notice of Hearing created on April 16, 2026, my office notified the parties that a hearing had been scheduled on the Respondents' motion to dismiss. Said dismissal hearing was scheduled for Wednesday, May 20, 2026, at 9:30 a.m., at the Arkansas Workers' Compensation Commission, in Little Rock, Arkansas. Said hearing notice was sent via first-class and certified mail. However, both notices were returned to the Commission.

The Commission took the proper steps to provide the Claimant with reasonable notice of the motion and dismissal hearing as required under the law. Under these circumstances, I find that the Claimant had constructive notice of the hearing.

Subsequently, a hearing was conducted on the Respondents' motion to dismiss on May 20, 2026. The Claimant did not appear at the hearing. However, the Respondents' attorney appeared for the hearing.

During the hearing, counsel for the Respondents moved that this claim be dismissed due to a lack of prosecution under Ark. Code Ann. §11-9-702 and/or 11 C.A.R. §25-110 (d). Counsel specifically noted that the Claimant has not requested a hearing on his claim since the filing of the Form AR-C in July 2025 and that he has not objected to his claim being dismissed. The Respondents' attorney specifically asked that the dismissal be made *without prejudice*.

Adjudication

Therefore, the statutory provisions and Arkansas Workers' Compensation Rule applicable with respect to the Respondents' request for dismissal of this claim are outlined below:

Specifically, Ark. Code Ann. §11-9-702(a)(4) provides:

If within six (6) months after the filing of a claim for compensation, no bona fide request for a hearing has been made with respect to the claim, the claim may, upon motion and after hearing, be dismissed without prejudice to the refiling of the claim within the limitation periods specified in subdivisions (a)(1)-(3) of this section.

Additionally, Ark. Code Ann. §11-9-702(d) provides:

If within six (6) months after the filing of a claim for additional compensation, no bona fide request for a hearing has been made with respect to the claim, the claim may, upon motion and after hearing, if necessary, be dismissed without prejudice to the refiling of the claim within the limitation period specified in subsection (b) of this section.

Commission Rule 099.13 (now codified at 11 C.A.R. § 25-110 (d)), reads as follows:

The Commission may, in its discretion, postpone or recess hearings at the instance of either party or on its own motion. No case set for a hearing shall be postponed except by approval of the Commission or Administrative Law Judge.

In the event neither party appears at the initial hearing, the case may be dismissed by the Commission or Administrative Law Judge, and such dismissal order will become final unless an appeal is timely taken therefrom or a proper motion to reopen is filed with the Commission within thirty (30) days from receipt of the order.

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. (Effective March 1, 1982)

My review of the evidence presented in this matter shows that more than six months have passed since the filing of this claim, which was done in July 2025. However, since that time, the Claimant has failed to make a bona fide request for a hearing with respect to his claim for workers' compensation benefits, which was clearly done almost one year ago. In fact, no probative action whatsoever has been put forth by the Claimant to pursue or resolve his claim. Moreover, the Claimant has failed to respond to the notices of this Commission, and he did not appear at the dismissal hearing.

Considering all the foregoing evidence, I am compelled to conclude that the Claimant has abandoned his claim for workers' compensation benefits. Hence, the Claimant has failed to prosecute his claim.

Based on all the aforementioned reasons, I find that the Respondents' motion to dismiss this claim is warranted. Therefore, pursuant to Ark. Code Ann. §11-9-702 (Repl. 2012) and Commission Rule 099.13 (as codified at 11 C.A.R. §25-110 (d)), this claim is hereby respectfully dismissed for want of prosecution. Said dismissal is *without prejudice*, to the refiling of this claim within the limitation period specified by law.

Findings of Fact and Conclusions of Law

On the basis of 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 Arkansas Workers' Compensation Commission has jurisdiction of this claim.
2. The Claimant has not requested a hearing since the filing of the Form AR-C (which was done more than six months ago), nor has he taken any affirmative action to resolve his claim.

3. The Respondents filed with the Commission a motion for dismissal of this claim due to a lack of prosecution, for which a dismissal hearing was held.
4. Proper Notice of the dismissal hearing was attempted on all parties to their last known address, in the manner prescribed by law.
5. The Claimant did not appear at the hearing to object to his claim being dismissed. Nor did he respond to the notices of this Commission.
6. Hence, the evidence preponderates that the Claimant has failed to prosecute his claim for workers' compensation benefits. Moreover, the evidence before me shows that the Claimant has abandoned the within claim.
7. The Respondents' motion to dismiss this claim due to a lack of prosecution is hereby granted, pursuant to the provisions of Ark. Code Ann. §11-9-702 and 11 C.A.R. §25-110 (d), *without prejudice*, to the refiling of it within the limitation period specified by law.

ORDER

Based upon the foregoing findings, I have no alternative but to dismiss this claim for workers' compensation benefits due to a lack of prosecution. This dismissal is hereby made pursuant to Ark. Code Ann. §11-9-702 and Commission Rule 099.13 (now codified at 11 C.A.R. §25-110 (d)) *without prejudice* to the refiling of this claim within the limitation period specified under the Act.

IT IS SO ORDERED.

CHANDRA L. BLACK
Administrative Law Judge