

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. H306244

JAMES NEWBOLES, EMPLOYEE

CLAIMANT

**COMCAST CORPORATION,
EMPLOYER**

RESPONDENT

**INDEMNITY INS. CO. OF NORTH AMERICA,
INSURANCE CARRIER**

RESPONDENT

**HELMANS MANAGEMENT SERVICES, LLC
Third Party Administrator**

RESPONDENT

OPINION AND ORDER FILED NOVEMBER 26, 2025

A Hearing before Administrative Law Judge James D. Kennedy in Little Rock, Arkansas, was held on November 18, 2025.

Claimant failed to appear.

Respondents were represented by Rick Behring, Jr., of Little Rock, Arkansas.

STATEMENT OF THE CASE

A hearing was held in the above styled matter on the 18th day of November, 2025, in Little Rock, Arkansas, on Respondent's Motion to Dismiss for failure to prosecute pursuant to Arkansas Code Ann. 11-9-702 and 11 C.A.R. 25-110(d) which was previously named Rule 099.13 of the Arkansas Workers' Compensation Commission. The claimant was pro se and failed to appear. The Respondents were represented by Rick Behring, Jr. of Little Rock, Arkansas. The Claimant had previously been represented by Laura Beth York, who was allowed to withdraw by an Order of the Full Commission dated March 4, 2025.

A Motion to Dismiss along with the Brief In Support was filed on September 15, 2025, which provided that the Claimant had sustained compensable injuries that included

the head, right shoulder and spine, from a specific incident on or about September 17, 2023. As reflected in the AR-2, the respondents accepted the claim as compensable. The Claimant filed an AR-C, requesting benefits with the Commission and subsequently made a hearing request. The Respondents have provided all appropriate benefits to date and continue to provide reasonable and necessary medical care, and the Claimant has been released from care, returned to work, and received the appropriate permanent partial disability benefits. The Claimant has not taken any recent action to prosecute the claim, and it has been more than six months since the Claimant has filed his AR-C or requested a hearing.

The Motion to Dismiss along with a Brief in Support of the Motion requested that the matter be dismissed without prejudice pursuant to Arkansas Code Ann. 11-9-702(a)(4), 11-9-702(d), and 11 C.A.R. 25 110(d) of the Arkansas Workers' Compensation Commission for failure to prosecute. No response was filed by the Claimant in regard to the motion.

After proper notice, a hearing was held on November 18, 2025, and the Claimant failed to appear. The Respondents were represented by Rick Behring, Jr., who requested that the matter be dismissed pursuant to 11 C.A.R. 25 110(d) of the Arkansas Workers' Compensation Commission and the provisions of Arkansas Code Ann. 11-9-702.

ORDER

Pursuant to the above statement of the case, documents entered into the record, and statements by the Attorney for the Respondents, there is no alternative but to grant the Motion to Dismiss without prejudice pursuant to 11 C.A.R. 110(d) of the Arkansas Workers' Compensation Commission and A.C.A. 11-9-702, based upon the Claimant

having failed to request a hearing within six months of filing the Form AR-C and following the request by the Respondents to dismiss the claim for want of prosecution.

IT IS SO ORDERED.

JAMES D. KENNEDY
ADMINISTRATIVE LAW JUDGE