

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION
WCC NO. H403993**

**BRANDYN NELSON,
EMPLOYEE**

CLAIMANT

**BAPTIST HEALTH,
SELF-INSURED EMPLOYER**

RESPONDENT

**CLAIMS ADMINISTRATIVE SERVICES,
TPA**

RESPONDENT

OPINION FILED OCTOBER 7, 2025

Hearing conducted on Tuesday, September 9, 2025, before the Arkansas Workers' Compensation Commission (the Commission), Administrative Law Judge (ALJ) Steven Porch, in Little Rock, Pulaski County, Arkansas.

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

The Respondents were represented by Ms. Melissa Wood, Attorney at Law, Little Rock, Arkansas.

I. BACKGROUND

This matter comes before the Commission on a Motion to Dismiss filed by Respondents on July 7, 2025. A hearing on the motion was conducted on September 9, 2025, in Little Rock, Arkansas. Claimant, according to Commission file is *Pro Se*, failed to appear at the hearing.

The Claimant worked for the Respondent/Employer as a hospital professional. The date for Claimant's alleged injury was on January 27, 2023. He reported his injury to Respondent/Employer on the same day as the incident. Admitted into evidence was Respondents' Exhibit 1, pleadings, and correspondence, consisting of 10 pages, and Commission Ex. 1, correspondence, and U.S. Mail return receipts, consisting of 8 pages, *as discussed infra*.

The record reflects on June 21, 2024, a Form AR-C was filed by then-attorney Laura Beth York, purporting that Claimant sustained work-related injury when he was stuck by a needle from a trash can. The form further purported that the Claimant was diagnosed with HIV. On June 26, 2024, a Form AR-1 was filed with the Commission noting that the incident occurred when Claimant was pulling trash out of an emergency room exam room when a needle from a trash can stuck him in his hand. On June 26, 2024, a Form AR-2 was filed accepting compensability. However, on November 12, 2024, an amended Form AR-2 was filed by Respondents denying compensability.

On May 23, 2025, Claimant's counsel file a motion to withdraw as counsel of record. The Full Commission granted Claimant counsel's motion on June 12, 2025. On July 7, 2025, Respondents filed a Motion to Dismiss due to Claimant's failure to prosecute his claim. The Claimant was sent, on July 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 as noted on the July 25, 2025, return receipt. This notice sent regular U.S. Mail did not return to the Commission. 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 his current address of record via the United States Postal Service (USPS), First Class Certified Mail, Return Receipt Requested, and regular First-Class Mail, on August 7, 2025. The certified notice was claimed as noted by the August 14, 2025, return receipt. Likewise, the hearing notice sent regular First-Class was not returned to the Commission. The hearing took place on September 9, 2025. 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 September 9, 2025, 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 claimed by Claimant, per the return postal notice bearing the August 14, 2025, date. 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 June 21, 2024. 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