

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. H403830

CALEB TENNIS, EMPLOYEE

CLAIMANT

**CONWAY REGIONAL MEDICAL CENTER,
SELF-INSURED EMPLOYER**

RESPONDENT

RISK MANAGEMENT SOLUTIONS, TPA

RESPONDENT

OPINION FILED 17 JUNE 2026

Heard before Arkansas Workers' Compensation Commission Administrative Law Judge JayO. Howe on 17 June 2026 in Little Rock, Arkansas.

The claimant was represented by Mr. Gregory R. Giles, who waived his appearance.

Worley, Wood & Parrish, P.A., Mr. Jarrod Parrish, 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 17 June 2026. This case relates to an accepted compensable low back injury sustained on or about 6 February 2023. The hearing's transcript includes Respondents' Exhibit № 1 (one index page and twelve pages of records).

A First Report of Injury indicating a low back injury was filed on 9 February 2023. The claimant filed the Form AR-C on 12 June 2024, seeking all available benefits. The respondents then filed a Form AR-2 on 28 June 2024 indicating that they had accepted the claim as medical-only and that they had been providing benefits accordingly.

On 2 March 2026, the respondents filed a motion 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 some early litigation followed the filing of his Form AR-C. The claimant objected to the dismissal and sought a hearing on whether he was entitled to

additional medical treatment. The dismissal motion was held in abeyance. A Prehearing Order was filed on 5 May 2026 setting a hearing for 17 June 2026.

On 11 June 2026, the parties communicated to the Commission that the claimant wished to withdraw his request for a hearing on the remaining merits of the claim and that he would agree, instead, to a dismissal without prejudice. With the agreement of the parties, the 17 June 2026 hearing date remained on the docket for the purpose of taking up the respondents' dismissal motion. The claimant waived his appearance at the hearing, and the email communication around the parties' agreement was entered into the record as part of Respondents' Exhibit № 1.

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 17 June 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. This claim's procedural history was discussed at the hearing, and relevant filings were admitted to the record. The claimant does 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