

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION
AWCC FILE № H500016**

ANTAVION WHITE, EMPLOYEE

CLAIMANT

PAPER TIGERS, INC., EMPLOYER

RESPONDENT

**SENTINEL INSURANCE CO., LTD./
THE HARTFORD, CARRIER/TPA**

RESPONDENT

OPINION FILED 16 APRIL 2025

Heard before Arkansas Workers' Compensation Commission ("the Commission")
Administrative Law Judge JayO. Howe on 10 April 2025 in Pine Bluff, Arkansas.

The *pro se* claimant failed to appear.

Anderson, Murphy & Hopkins, LLP, Mr. Randy Murphy, appeared for the respondents.

STATEMENT OF THE CASE

A hearing on the respondents' Motion to Dismiss was held on this matter in Pine Bluff, Arkansas, on 10 April 2025. This case relates to an alleged workplace injury occurring on 15 October 2024. Due to clerical difficulties, no exhibits were offered into the record at the hearing. The respondents offered to submit exhibits via email after the hearing's conclusion. Instead, I have blue-backed to this opinion the claimant's Form AR-C (dated 31 December 2024), the respondents' Motion to Dismiss, notice letters from the Commission, and one unclaimed Certified Mail envelope. In accordance with *Sapp v. Tyson Foods, Inc.*, 2010 Ark. App. 517, 2010 Ark. App. LEXIS 549, these documents are being served on the parties in conjunction with this opinion.

The claimant filed a Form AR-C on 31 December 2024. According to the respondents' motion, he later informed the respondents that he did not wish to pursue this claim. On 16

January 2025, the respondents filed the immediate motion seeking a dismissal under Commission Rule 099.13 (“Rule 13”).

Notice of the respondents’ motion was sent to the claimant, consistent with Commission practices, via First Class Mail and Certified Mail, on 22 January 2025 to the address provided on the AR-C. After no response or objection was received by my office, a notice of a hearing on that motion was sent in the same fashion on 26 February 2025. When mailings are returned to the Commission as not accepted or undeliverable, those mailings are appended to the claim’s file. This file only contains a return of the hearing notice letter sent via Certified Mail. No other mailings were returned as unaccepted or undeliverable.

FINDINDGS 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 that motion.
3. The evidence preponderates that the claimant has failed to prosecute his claim under Rule 13.
4. The Motion to Dismiss is hereby granted; this claim for additional benefits is dismissed without prejudice under Rule 13.

DISCUSSION

The respondents appeared on 10 April 2025 and presented their motion. As argued by the respondents at the hearing, our Rule 13 provides for a dismissal for failure to prosecute an action upon application by either party and reasonable notice. The claimant did not file a response to the motion or appear at the hearing to argue against the dismissal of his claim.

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The respondents relayed in their motion that the claimant did not wish to prosecute his claim. The claimant, in turn, did not file a response or appear to object to the dismissal of his claim. His failure to appear is consistent with his apparently-expressed wish that the matter not proceed. A dismissal without prejudice is, therefore, appropriate.

ORDER

The Motion to Dismiss is GRANTED, and this matter is DISMISSED WITHOUT PREJUDICE.

SO ORDERED.

JAYO. HOWE
ADMINISTRATIVE LAW JUDGE