

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION
WCC NO. H403203**

**JENNIFER JENKINS,
EMPLOYEE**

CLAIMANT

**HINO MOTORS MFG. USA, INC.,
EMPLOYER**

RESPONDENT

**FIRST LIBERTY INS. CORP.,
CARRIER/TPA**

RESPONDENT

OPINION FILED JUNE 24, 2025

Hearing conducted on Friday, May 16, 2025, before the Arkansas Workers' Compensation Commission (the Commission), Administrative Law Judge (ALJ) Steven Porch, in Forrest City, St. Francis County, Arkansas.

The Claimant, Ms. Jennifer Jenkins, *Pro Se*, of Marion, Arkansas.

The Respondents were represented by the Honorable Zachary Ryburn, Little Rock, Arkansas.

BACKGROUND

This matter comes before the Commission on a Motion to Dismiss by Respondents. A hearing was conducted on May 16, 2025, in Forrest City, Arkansas. No testimony was taken in the case. Claimant, who according to Commission records is *pro se*, failed to appear at the hearing.

The Claimant worked for the Respondent employer as a team member. The date for Claimant's alleged injury was on May 9, 2024. She reported her injury to Respondent/Employer on the same date as the alleged injury. Admitted into evidence was Respondents Exhibit 1, pleadings, consisting of five pages. The Commission admitted Commission Exhibit 1, postal return receipts, notice of hearing, and correspondence, consisting of seven pages. I have also blue-backed Form AR-1, and Form AR-2, as *discussed infra*.

The record reflects on May 15, 2024, a Form AR-1 was filed in this case, reflecting that Claimant purportedly reported that she was having back pain that increased in intensity resulting in work limitations. Respondents on May 16, 2024, filed a Form AR-2, denying the compensability of

Claimant's alleged injuries. In short, the Respondents did not believe the Claimant sustained a work-related injury. On June 24, 2024, a Form AR-C was filed with the Commission through Claimant's then-attorney, Mark Peoples, purporting injuries to her back. Attorney Jason Ryburn entered his appearance on behalf of the Respondents on August 12, 2024. Attorney Peoples filed a Motion to Withdraw as Counsel on September 30, 2024, that was granted on October 18, 2024.

The Respondents next filed a Motion to Dismiss on February 20, 2025, requesting this claim be dismissed for a lack of prosecution. The Claimant was sent, certified and regular U.S. Mail, notice of the Motion to Dismiss from my office on February 27, 2025, to her last known address. The certified notice was claimed by Claimant on March 3, 2025. Claimant did not respond to the notice 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 her current address of record via the United States Postal Service (USPS), First Class Certified Mail, Return Receipt Requested, and regular First-Class Mail, on March 27, 2025. The certified hearing notice was claimed by Claimant on March 31, 2025. The hearing took place on May 16, 2025. As mentioned before, the Claimant did not show up to the hearing.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Therefore, after a thorough consideration of the facts, issues, the applicable law, and the evidentiary record, I hereby make the following findings of fact and conclusions of law:

1. The Commission has jurisdiction over this claim.
2. The Claimant and Respondents both had reasonable notice of the May 16, 2025, hearing.
3. Respondents have proven by the preponderance of the evidence that Claimant has failed to prosecute his claim under AWCC Rule 099.13.
4. The Respondents' Motion to Dismiss should be granted.
5. This claim is hereby dismissed without prejudice.

DISCUSSION

Consistent with AWCC Rule 099.13, the Commission scheduled and conducted a hearing, with proper notice, on the Respondents' Motion to Dismiss. The certified hearing notice was claimed by Claimant on March 31, 2025. Respondent's counsel was present and argued the motion. Thus, I find by the preponderance of the evidence that reasonable notice was given to both parties.

AWCC Rule 099.13 allows the Commission, upon meritorious application, to dismiss an action pending before it due to a want of prosecution. The Claimant filed her Form AR-C on June 24, 2024. Since then, Claimant has not made a demand for a hearing or has taken any other action in furtherance of this claim. In this regard, the Claimant has failed to do the bare minimum in prosecuting her claim. Therefore, I do find by the preponderance of the evidence that Claimant has failed to prosecute her 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 without prejudice.

IT IS SO ORDERED.

Steven Porch
Administrative Law Judge