

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION
WCC NO. H403176**

**MELISHA D. MCCORKLE,
EMPLOYEE**

CLAIMANT

**FRITO LAY, INC.,
EMPLOYER**

RESPONDENT

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

RESPONDENT

**SEDGWICK CLAIMS MANAGEMENT,
TPA**

RESPONDENT

OPINION FILED DECEMBER 17, 2025

Hearing conducted on Friday, November 14, 2025, before the Arkansas Workers' Compensation Commission (the Commission), Administrative Law Judge (ALJ) Steven Porch, in Jonesboro, Craighead County, Arkansas.

The Claimant is *Pro Se*, of Weiner, Arkansas.

The Respondents were represented by Mr. Lee J. Muldrow, Attorney at Law, Little Rock, Arkansas.

I. BACKGROUND

This matter comes before the Commission on a Motion to Dismiss filed by Respondents on August 26, 2025. A hearing on the motion was conducted on November 14, 2025, in Jonesboro, Arkansas. Claimant, according to Commission file is *Pro Se*, failed to appear at the hearing.

The Claimant worked for the Respondent/Employer as a sanitation worker. The date for Claimant's alleged injury was on April 26, 2024. This incident was reported to the Respondent/Employer on the same day. Admitted into evidence was Respondents' Exhibit 1,

pleadings, and correspondence, consisting of 9 pages, and Commission Ex. 1, pleadings, correspondence, and U.S. Mail return receipts, consisting of 10 pages, *as discussed infra*.

The record reflects on May 14, 2024, a Form AR-C was filed by Claimants then-attorney, Mark Peoples, purporting that Claimant sustained injuries to her back, right knee, and right hip. May 17, 2024, a Form AR-1 purporting that Claimant's injuries occurred when she slipped while carrying cans downstairs. On July 31, 2024, a Form AR-2 was filed neither accepting or denying compensability. Claimant's then-attorney filed for a change-of-physician and the request was granted on June 17, 2024, from Dr. Roger Troxel to Dr. Dominic Maggio. On June 24, 2025, Claimant's then-attorney filed a motion to withdraw as Claimant's attorney. The Full Commission granted Mr. People's motion on July 25, 2025.

Respondents filed a Motion to Dismiss due to Claimant's failure to prosecute his claim on August 26, 2025. The Claimant was sent, on September 2, 2025, notice of the Motion to Dismiss, via certified and regular U.S. Mail, to his last known address. The certified motion notice was claimed by Claimant as noted on the September 15, 2025, return receipt. This notice was also sent regular U.S. Mail and did not return to the Commission. Despite this, 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 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 October 1, 2025. The certified notice was claimed as noted by the October 6, 2025, return receipt. Likewise, the hearing notice sent regular First-Class was not returned to the Commission. The hearing took place on November 14, 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 November 14, 2025, hearing.
3. Respondents have proven by the preponderance of the evidence that Claimant has failed to prosecute her 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 October 6, 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 May 14, 2025. Since then, she has failed to request a bona fide hearing. 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, and Claimant's claim is dismissed *without prejudice*.

IT IS SO ORDERED.

STEVEN PORCH
Administrative Law Judge