

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION  
CLAIM NO. H402459**

**MAKALA SANDERS,  
EMPLOYEE**

**CLAIMANT**

**OBI HOLDING CO.,  
EMPLOYER**

**RESPONDENT**

**SENTRY CASUALTY CO.,  
CARRIER/TPA**

**RESPONDENT**

**OPINION FILED AUGUST 25, 2025**

Hearing before Administrative Law Judge Steven Porch on July 29, 2025, in Little Rock, Pulaski County, Arkansas.

The Claimant was *Pro Se*, Little Rock, Arkansas.

The Respondents were represented by Mr. Jarrod Parrish, Attorney at Law, Little Rock, Arkansas.

**I. BACKGROUND**

This matter comes before the Commission on a Motion to Dismiss filed by Respondents on May 8, 2025. 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 an apheresis technician. The date for Claimant's alleged injury was on January 25, 2024. She reported her injury to Respondent/Employer on January 30, 2024. Admitted into evidence was Respondents' Exhibit 1, pleadings and correspondence, consisting of 15 pages. I have also admitted into the record Commission's Exhibit 1, correspondence, pleadings, and return receipts, consisting of 8 pages, *as discussed infra*.

The record reflects on July 31, 2024, a Form AR-C was filed with the Commission by Claimant's then-attorney, Laura Beth York, purporting that Claimant injured her back and left

foot. On April 11, 2024, a Form AR-1 was filed in this case, purporting that Claimant was injured while riding the company bus when it hydroplaned causing equipment and the Claimant to be thrown out of place with some equipment striking the Claimant. Respondents on April 16, 2024, filed a Form AR-2, neither challenging nor confirming compensability of Claimant's alleged injuries. However, at the hearing the Respondents confirmed that the Claimant's injuries were compensable. However, the Claimant would not respond to her attorney from March 18, 2025, to March 26, 2025, and beyond those dates. Claimant's attorney filed a Motion to Withdraw as Counsel on April 3, 2025. The Full Commission granted this request on April 30, 2025. Resp. Ex. 1, pp. 4-9.

The Respondents next filed a Motion to Dismiss on May 8, 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 May 20, 2025, to her last known address. The certified notice was claimed by Claimant on May 22, 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 June 23, 2025. The certified hearing notice was claimed by Claimant on June 30, 2025. The hearing took place on July 29, 2025. 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 July 29, 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 (formerly AWCC Rule 099.13.)
4. The Respondents' Motion to Dismiss should be granted.
5. This claim is hereby dismissed without prejudice.

### **DISCUSSION**

Consistent with 11 C.A.R. § 25-110, 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 June 30, 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.

Furthermore, 11 C.A.R. § 25-110, 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 July 31, 2024. Since then, the Claimant has not requested 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 without prejudice.

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**IT IS SO ORDERED.**

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Steven Porch  
Administrative Law Judge