

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO.: H502745

LAQUETA YOUNG,
EMPLOYEE

CLAIMANT

ROCK REGION METRO,
EMPLOYER

RESPONDENT

ATA WC TRUST, RISK MANAGEMENT
RESOURCES, LLC,
CARRIER/TPA

RESPONDENT

OPINION FILED MARCH 13, 2026

Hearing held before Administrative Law Judge Chandra L. Black, in Little Rock, Pulaski County, Arkansas.

Claimant, *pro se*, did not appear for the dismissal hearing.

Respondents represented by the Honorable Melissa Wood, Attorney at Law, Little Rock, Arkansas.

Statement of the Case

A hearing was held on March 11, 2026, in the above-referenced matter pursuant to *Dillard v. Benton County Sheriff's Office*, 87 Ark. App. 379, 192 S.W. 3d 287 (2004), to determine whether this case should be dismissed for failure to prosecute under the provisions of Ark. Code Ann. §11-9-702 (Repl. 2012), and Arkansas Workers' Compensation Commission Rule 099.13 (now codified at 11 C.A.R. § 25-110(d)).

Appropriate notice of the dismissal hearing was tried on all parties to their last known address, in the manner instructed by law.

No testimony was taken.

The record consists of the dismissal hearing transcript of March 11, 2026, and the documents held therein.

Commission's Exhibit 1 consisting of four pages has been marked accordingly, and the Respondents introduced into evidence an exhibit consisting of twelve numbered pages, which was thus marked Respondents' Exhibit 1. Both exhibits were introduced into evidence without objection.

Background

The record before me of the procedural history of this claim is as follows:

The Claimant was employed with the employer June 9, 2024. She injured the left side of her body due to a fall on said date. There was no dispute about the Claimant's work-related accidental injury. The Respondents accepted it as compensable, and payments on benefits were started.

About the present claim before the Commission, the Claimant filed a Form AR-C with the Commission on May 2, 2025, alleging that she sustained compensable bodily injury on June 9, 2024, due to a fall in the course of her employment with the respondent-employer. Per the Form AR-C, the Claimant requested both initial and additional workers' compensation benefits.

On February 4, 2025, the Respondents' Senior Claims Specialist filed a Form AR-2, with the Commission accepting compensability of the claim for the work-related injuries sustained by the Claimant on June 9, 2024.

Since this time, the Claimant has not requested a bona fide hearing before the Commission on the merits of this claim as of the date of the filing of the Form AR-C, which was clearly done more than six (6) months ago. Significantly, the Claimant has not taken any other bona fide action to pursue or otherwise resolve her claim since this time.

Therefore, on or about January 12, 2026, the Respondents filed with the Commission a *Motion to Dismiss for Failure to Prosecute*. The Respondents notified the Claimant of said motion per a certificate of service sent, which they sent to her via the United States Postal Service on that same date.

Subsequently, on January 13, 2026, my office sent a letter-notice informing the Claimant of the Respondents' motion to dismiss her workers' compensation claim, and a deadline of twenty (20) days for filing a written response. This letter was sent via both first-class and certified mail.

The letter-notice sent by way of first-class mail has not been returned to the Commission. The Postal Service returned the letter-notice sent via certified mail to the Commission because it went unclaimed. However, the letter sent via first-class mail has not been returned to the Commission.

Still, there has been no response from the Claimant regarding the Commission's letter notice.

Therefore, pursuant to a Hearing Notice dated February 4, 2026, the Commission notified the parties that the matter had been set for a hearing on the Respondents' motion for dismissal of this claim due to a lack of prosecution. Said hearing was scheduled for March 11, 2026, at 11:00 a.m., at the Arkansas Workers' Compensation Commission, in Little Rock.

Still, there has been no response from the Claimant in this regard. Yet, the tracking information sent to the Commission from the Postal Service regarding said Hearing Notice mailed to the Claimant via certified mail shows that this notice was delivered on February 24, 2026, to the Claimant's last known address on file with the Commission. The signature of the individual taking delivery of the hearing notice is illegible. The hearing notice sent via regular mail has not

been returned to the Commission. All the afore proof of service preponderates that the Claimant received reasonable notice of the dismissal hearing.

Yet, there has been no response from the Claimant regarding her claim or the Commission's notices.

Subsequently, a hearing was in fact conducted on the Respondents' motion to dismiss as scheduled. The Claimant did not appear at the hearing. However, the Respondents appeared through their attorney. The Respondents' counsel argued, among other things, that the Claimant has failed to timely prosecute her claim for workers' compensation benefits. Therefore, counsel for the Respondents moved that this claim be dismissed for failure to prosecute under Ark. Code Ann. §11-9-702, and Commission Rule 099.13 (now codified at 11 C.A.R. § 25-110 (d)).

Adjudication

Therefore, the statutory provisions and Arkansas Workers' Compensation Rule applicable in the Respondents' motion for dismissal of this claim are outlined below:

Specifically, Ark. Code Ann. §11-9-702(a)(4) provides:

If within six (6) months after the filing of a claim for compensation, no bona fide request for a hearing has been made with respect to the claim, the claim may, upon motion and after hearing, be dismissed without prejudice to the refiling of the claim within the limitation periods specified in subdivisions (a)(1)-(3) of this section.

Furthermore, Ark. Code Ann. §11-9-702(d) provides:

If within six (6) months after the filing of a claim for additional compensation, no bona fide request for a hearing has been made with respect to the claim, the claim may, upon motion and after hearing, if necessary, be dismissed without prejudice to the refiling of the claim within the limitation period specified in subsection (b) of this section.

Commission Rule 099.13 (now codified at 11 C.A.R. § 25-110 (d), reads:

The Commission may, in its discretion, postpone or recess hearings at the instance of either party or on its own motion. No case set for hearing shall be postponed except by approval of the Commission or Administrative Law Judge.

In the event neither party appears at the initial hearing, the case may be dismissed by the Commission or Administrative Law Judge, and such dismissal order will become final unless an appeal is timely taken therefrom or a proper motion to reopen is filed with the Commission within thirty (30) days from receipt of the order.

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. (Effective March 1, 1982)

A review of the evidence shows that the Claimant has had ample time to pursue her claim for workers' compensation benefits, but she has utterly failed to do so. Specifically, the Claimant has not requested a hearing or otherwise made any bona fide effort to prosecute her claim since the filing of the Form AR-C, which was clearly more than six (6) months ago; nor has she resisted the motion to dismiss her claim despite having received notice of the dismissal proceedings.

Thus, the evidence preponderates that the Claimant has obviously failed to prosecute her claim for workers' compensation benefits. For these reasons, I am convinced that the Claimant has abandoned her claim.

Therefore, after careful consideration of the evidence before me, I must find that the Respondents' motion to dismiss for a lack of prosecution is well founded. I thus find that pursuant to Ark. Code Ann. § 11-9-702, and Commission Rule 099.13 (now codified at 11 C.A.R. § 25-110 (d)), this claim for workers' compensation benefits is hereby respectfully dismissed *without prejudice* to the refile of it within the limitation periods specified under the Arkansas Workers' Compensation Act (referred to herein as the "Act").

FINDINGS OF FACT AND CONCLUSIONS OF LAW

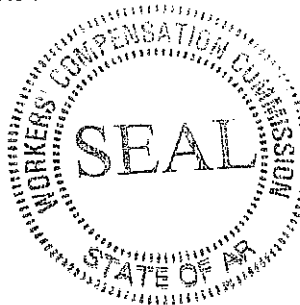
Based on the record as a whole, I hereby make the following findings of fact and conclusions of law in accordance with Ark. Code Ann. §11-9-704 (Repl. 2012):

1. The Arkansas Workers' Compensation Commission has jurisdiction of this claim.
2. The Claimant filed a Form AR-C for workers' compensation benefits in this matter in May 2025. Since this time, the Claimant has not made a bona fide request for a hearing or proven that she wishes to pursue this claim for workers' compensation benefits.
3. The Respondents filed with the Commission a motion for dismissal of this claim, for which a hearing was held.
4. Appropriate notice of the dismissal hearing was had on all parties to their last known address, in the manner mandated by law.
5. The evidence preponderates that the Respondents' motion to dismiss this claim for lack of prosecution is well founded, and should be hereby be respectfully granted, *without prejudice*, per Ark. Code Ann. §11-9-702, and Commission Rule 099.13(now codified at 11 C.A.R. § 25-110 (d)), to the refiling of it within the limitation periods specified by law.

ORDER

Based upon the foregoing findings, I have no alternative but to dismiss this claim for workers' compensation benefits. This dismissal is made pursuant to the provisions of Ark. Code Ann. §11- 9-702, and Commission Rule 099.13(now codified at 11 C.A.R. § 25-110 (d)), *without prejudice* to the refiling of this claim within the limitation periods specified under the Act.

IT IS SO ORDERED.




CHANDRA L. BLACK
Administrative Law Judge