

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION
AWCC FILE № H406457**

LATOSHA BOHANNON, EMPLOYEE

CLAIMANT

GOODWILL INDUSTRIES OF ARKANSAS, EMPLOYER

RESPONDENT

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

RESPONDENT

OPINION FILED 13 AUGUST 2025

Heard before Arkansas Workers' Compensation Commission ("the Commission")
Administrative Law Judge JayO. Howe on 25 June 2025 in Little Rock, Arkansas.

The *pro se* claimant failed to appear.

Worley, Wood & Parrish, P.A., Ms. Melissa Wood, appeared for the respondents.

STATEMENT OF THE CASE

This case relates to an alleged workplace injury occurring on 4 June 2024. A hearing on the respondents' Motion to Dismiss was held on this matter in Little Rock, Arkansas, on 25 June 2025. The record from the hearing consists of the hearing transcript and Respondents' Exhibit № 1, which consists of initial forms and filings on this claim, pleadings, and correspondence; and Commission's Exhibit № 1, which consists of proof of delivery receipts and the claimant's Form AR-C.

The claimant filed a Form AR-C seeking initial benefits on 3 October 2024. According to the Form AR-2, the respondents denied this claim in its entirety. The respondents filed the immediate motion on 17 April 2025 seeking a dismissal under 11 C.A.R. § 25-110(d) (formerly Commission Rule 099.13) and/or A.C.A. § 11-9-702. Notice of the respondents' motion was sent to the claimant, consistent with Commission practices, via First Class Mail and Certified Mail, on 21 April 2025 to the address provided on the

Form AR-C. A proof of delivery receipt shows that the claimant received that notice on 24 April 2025. She did not file a response to the motion. On 30 May 2025, notice of the hearing on the respondents' motion was sent to the claimant in the same manner. A proof of delivery receipt shows that the claimant received the hearing notice on 2 June 2025. She, again, did not file a response with the Commission. The claimant, having received notice of the hearing, chose not to attend the hearing to resist the respondents' motion.

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 her claim under 11 C.A.R. § 25-110(d).
4. The Motion to Dismiss is hereby granted; this claim for initial benefits is dismissed without prejudice under 11 C.A.R. § 25-110(d).

DISCUSSION

The respondents appeared on 25 June 2025 and presented their motion. As argued by the respondents at the hearing, Commission Rule 099.13 (now 11 C.A.R. § 25-110(d)) 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.

The respondents argued that more than six months had passed without a request for a hearing on an issue ripe for litigation after the filing of the claimant's Form AR-C. The claimant, in turn, did not file a response or appear to object to the dismissal of his claim;

and a review of the file reveals no action taken by the claimant in the time relevant to the respondents' motion. 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