BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION
WCC NO. H505369

STARLIGHT C. BAKER,
EMPLOYEE **CLAIMANT**

DOLLAR TREE STORES, INC.,
EMPLOYER **RESPONDENT**

AIU INS. CO.,
CARRIER **RESPONDENT**

SEDGWICK CLAIMS MANAGEMENT,
TPA **RESPONDENT**

OPINION FILED JULY 22, 2026

Hearing conducted on Tuesday, June 23, 2026, before the Arkansas Workers' Compensation Commission (the Commission), Administrative Law Judge (ALJ) Steven Porch, in Little Rock, Pulaski County, Arkansas.

The Claimant is represented by Mr. Mark Alan Peoples, Attorney at Law, of Little Rock, Arkansas.

The Respondents were represented by Ms. Carol Worley, Attorney at Law, Little Rock, Arkansas.

I. BACKGROUND

This matter comes before the Commission on a Motion to Dismiss filed by Respondents on April 15, 2026. A hearing on the motion was conducted on June 23, 2026, in Little Rock, Arkansas. Claimant's counsel waived his appearance and the appearance of his client to attend the hearing.

The Claimant worked for the Respondent/Employer as a store manager. The date for Claimant's alleged injury was on January 29, 2025. This incident was reported to the Respondent/Employer on the same day. Admitted into evidence was Respondents' Exhibit 1,

pleading, consisting of 10 pages, and Commission Ex. 1, return receipts, consisting of 4 pages, *as discussed infra*.

The record reflects on August 22, 2025, a Form AR-1 was filed purporting that Claimant, while breaking down roto cart slipped and injured left wrist. On August 27, 2025, a Form AR-2 was filed neither disputing or accepting that Claimant was injured during the course and scope of employment. On September 8, 2025, a Form AR-C was filed by Claimants attorney, Mark Peoples, purporting that Claimant injured her left wrist in the course and scope of her employment.

Respondents filed a motion to dismiss on April 15, 2026, for failure to prosecute her claim. The Claimant's was sent, on April 17, 2026, notice of the Motion to Dismiss, via certified and regular U.S. Mail, to her last known address. The certified motion notice was not claimed by Claimant, per return receipt. This notice was also sent regular U.S. Mail and did return to the Commission. Claimant's counsel, via email dated May 13, 2026, agreed with the dismissal provided it is without prejudice. Thus, in accordance with applicable Arkansas law, the Claimant was sent notice of Respondents' Motion to Dismiss hearing date on May 13, 2026. The Claimant received the certified notice on May 15, 2026, per the return receipt. The hearing took place on June 23, 2026.

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 June 23, 2026, 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. Claimant did receive the motion hearing date, per certified return receipt. Thus, I find by the preponderance of the evidence that the Claimant did receive reasonable notice of this motion to dismiss hearing.

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. Claimant's counsel agreed to the dismissal if it was done "without prejudice." 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.

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STEVEN PORCH
Administrative Law Judge