BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION
WCC NO. H507742

CRYSTAL B. BARNES,
EMPLOYEE **CLAIMANT**

MARION MATH SCIENCE TECHNOLOGY,
SELF-INSURED EMPLOYER **RESPONDENT**

ARKANSAS SCHOOL BOARD ASSOCIATION,
THIRD-PARTY ASSOCIATION **RESPONDENT**

OPINION FILED SEPTEMBER 2, 2026

Hearing conducted on Friday, August 21, 2026, before the Arkansas Workers' Compensation Commission (the Commission), Administrative Law Judge (ALJ) Steven Porch, in Forrest City, St. Francis County, Arkansas.

The Claimant, Ms. Crystal B. Barnes, *Pro Se*, Memphis, Tennessee.

The Respondents were represented by the Ms. Melissa Wood, Little Rock, Arkansas.

I. BACKGROUND

This matter comes before the Commission on a Motion to Dismiss filed by Respondents on June 9, 2026. A hearing on the motion was conducted on August 21, 2026, in Forrest City, Arkansas. Claimant, according to Commission file, is *Pro Se*, and failed to appear at the hearing.

The Claimant worked for the Respondent/Employer as a teacher. The date for Claimant's alleged injury was on December 2, 2025. She reported her injury to Respondent/Employer on the same day. Admitted into evidence was Respondents' Exhibit 1, correspondence and pleadings, consisting of 8 pages, Commission Exhibit 1, correspondence and certified mail receipts, consisting of 7 pages.

The record reflects on December 8, 2025, a Form AR-1 was filed with the Commission claiming that the Claimant was struck by a student's fist in her abdomen several times leaving no

physical injury but causing emotional distress. Also on December 8, 2025, a Form AR-2 was filed by Respondents denying compensability. On December 9, 2025, a Form AR-C was filed with the Commission purporting that Claimant's injury occurred from a kindergarten student's punch to the stomach followed by emotional distress.

The Respondents filed a Motion to Compel on January 19, 2026, requesting the Claimant sign the requested authorizations. On January 21, 2026, Claimant objected to the signing of the authorization because she believed the authorization was too broad. Claimant eventually agreed to sign the authorization and the Motion to Compel was withdrawn by the Respondents. Respondents filed a Motion to Dismiss on June 9, 2026, stating the Claimant has failed to prosecute her claim. The Claimant was sent, on June 15, 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. The Claimant did not object to the motion in writing as required. Thus, in accordance with applicable Arkansas law, the Claimant was sent notice of Respondents' Motion to Dismiss hearing date on July 10, 2026. The Claimant received the certified notice on July 16, 2026, per the return receipt, dated July 20, 2026. The hearing took place on August 21, 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 August 21, 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

AWCC 099.13 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 has failed to request a bona fide hearing since the filing of her Form AR-C. 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