

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION
WCC NO. H505039**

**DESTINY BOATMAN,
EMPLOYEE**

CLAIMANT

**PIONEER THERAPY & LIVING CENTER,
SELF-INSURED EMPLOYER**

RESPONDENT

**CCMSI,
TPA**

RESPONDENT

OPINION FILED MAY 20, 2026

Hearing conducted on Friday, April 22, 2026, before the Arkansas Workers' Compensation Commission (the Commission), Administrative Law Judge (ALJ) Steven Porch, in Batesville, Independence County, Arkansas.

The Claimant is *Pro Se*, of Salem, 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 February 13, 2026. A hearing on the motion was conducted on April 22, 2026, in Batesville, Arkansas. Claimant, according to Commission file is *Pro Se*, failed to appear at the hearing.

The Claimant worked for the Respondent/Employer as an audit manager. The date for Claimant's alleged injury was on July 4, 2025. This incident was reported to the Respondent/Employer on July 7, 2025. Admitted into evidence was Respondents' Exhibit 1, pleadings, consisting of 10 pages, *as discussed infra*.

The record reflects on August 12, 2025, a Form AR-C was filed purporting that Claimant sustained an injury to her left foot while assisting a resident. On August 25, 2025, a Form AR-1 was filed purporting that Claimant, while attempting to sit a resident in his recliner, got her left

foot caught under the recliner injuring her left foot. On August 26, 2025, a Form AR-2 was filed accepting that Claimant was injured during the course and scope of employment and paid benefits.

On February 13, 2026, Respondents filed a motion to dismiss for failure to prosecute. The Claimant was sent, on the same day, 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 as noted by the return of the certified return receipt dated March 16, 2026. This notice was also sent regular U.S. Mail and did not return to the Commission. The Claimant did not respond to the Motion, 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 March 10, 2026. The certified notice was claimed and Claimant responded to the notice by calling my assistant, Melanie Miller, and informing her that she does not object to the dismissal. Ms. Miller codified this conversation in an email sent to Claimant on March 18, 2026. The hearing was scheduled for April 22, 2026. And as mentioned before, the Claimant did not show up to the hearing.

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 April 22, 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. The certified hearing notice was claimed by Claimant. 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. The Claimant filed a Form AR-C on August 12, 2025, since then the Claimant has not requested a bona fide full hearing, thus failing to prosecute her claim. Moreover, the Claimant stated that she did not object to the dismissal. 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.

STEVEN PORCH
Administrative Law Judge