

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. H204111

PEGGY CLEMONS,  
EMPLOYEE

CLAIMANT

SOUTH COUNTY SCHOOL DISTRICT,  
EMPLOYER

RESPONDENT

ARKANSAS SCHOOL BOARDS ASSOCIATION  
WORKERS' COMPENSATION TRUST,  
INSURANCE CARRIER/TPA

RESPONDENT

OPINION FILED JULY 3, 2025

Upon review before the FULL COMMISSION in Little Rock, Pulaski County, Arkansas.

Claimant appeared *pro se*.

Respondents represented by the HONORABLE CAROL LOCKARD WORLEY, Attorney at Law, Little Rock, Arkansas.

Decision of Administrative Law Judge: Affirmed.

OPINION AND ORDER

The claimant appeals an administrative law judge's opinion filed January 21, 2025. The administrative law judge found that the claim should be dismissed without prejudice. After reviewing the entire record *de novo*, the Full Commission affirms the administrative law judge's opinion.

The record indicates that the claimant became employed with the respondents, South Conway School District, on May 10, 2021. A WORKERS COMPENSATION – FIRST REPORT OF INJURY OR ILLNESS was prepared on February 10, 2022. The FIRST REPORT OF INJURY OR ILLNESS indicated that the Date of Injury was February 9,

2022: "On Ice or Snow, Put a student in the car, she slipped and fell on ice – Head, Right Elbow, Hip, Ribs." The record indicates that an adjuster wrote "Medical Only" on the FIRST REPORT.

An MRI of the claimant's cervical spine was taken on April 1, 2022 with the following impression:

1. Unremarkable exam of the cervical spinal cord and canal.
2. No cervical spinal canal or neural foraminal stenosis.

Dr. Barry D. Baskin provided an evaluation on May 26, 2022:

Ms. Clemons is back in for follow-up. I saw her initially on May 26, 2022. She has had 4 weeks of physical therapy with Charton Physical Therapy in Morrilton. She states she has gotten some temporary benefit, but she continues to complain of pain in her neck....She has had a normal examination last visit....Her MRI of the cervical spine April 1, 2022, only showed degenerative changes. No posttraumatic lesions were identified. Ms. Clemons states she has gone and gotten her ears evaluated about a year and a half ago because she was having some decrease in her hearing, and she was told she had some mild hearing loss. I told her I did not think getting a hearing evaluation would be related to her work fall....

I have released her from my care. I think she is at maximum medical improvement. She comes across to me as fairly demanding that I get an ear evaluation and that she be on long-term lifting restrictions based on essentially negative examinations and subjective complaints. I explained objective and subjective, and I also explained the difference in private insurance and Workers' Compensation insurance and the need for objective findings. I also explained to her, if she does not agree with me putting her at maximum medical improvement, then she can seek a second opinion. Her appointment was attended by Stacey Henderson, RN, Case Manager, and she is aware of my opinion regarding Ms. Clemons.

The record indicates that the claimant filed a Form AR-C, CLAIM FOR COMPENSATION, on June 6, 2022. The ACCIDENT INFORMATION section of the Form AR-C indicated that the Date of Accident was February 9, 2022. The claimant wrote, "I was loading car riders into their cars at end of school day 3:30 pm. The school ramp is approximately 60 ft long. Only 2 ft of ice was scraped on each end for students and staff to exit and enter. The remaining 56 ft was iced over. Of course parents vehicles were driving past the 2 ft scraped area. After loading a student I turned to walk onto the ramp. Everything went black. Shrek (sic) from the students & teachers awoke me. Headache, neck, back, should (sic), foot, ears loudly ringing. Upper/lower back pain." The CLAIM INFORMATION section of the Form AR-C indicated that the claim was for "initial" benefits, specifically "Permanent Total Disability," "Attorney Fees," and "Medical Expenses."

The respondents' attorney corresponded with the Clerk of the Commission on April 12, 2023 and stated in part, "No bona fide hearing request has been made since the filing of the Form AR-C. In light of this, Respondents are requesting this claim be dismissed for lack of prosecution so that the litigation aspect of this claim can be closed. Please assign this matter to an administrative law judge for consideration of this Motion and entry of an order regarding the same."

A Program Specialist in the Adjudication Division informed the parties on May 1, 2023, "Pursuant to claimant's request for a hearing, respondent's Motion to Dismiss will be held in abeyance." The respondents' attorney informed a representative of the Commission on May 9, 2023, "I am in receipt of the Form C filed by Claimant today. This is to confirm that my client accepted injuries to Claimant's head, right elbow, hip and ribs on 2/9/22. This is an accepted medical only claim, and all other benefits have been denied."

An administrative law judge filed an opinion on January 21, 2025. The administrative law judge ordered, "Pursuant to the above statement of the case, and the multiple issues and hearings in regard to this matter, it is determined that the claimant has taken little to no action to actively pursue her claim over an extended period of time and there is no alternative but to grant the Motion to Dismiss this claim in its entirety, without prejudice, for failure to prosecute."

After reviewing the entire record *de novo*, the Full Commission affirms the administrative law judge's opinion granting the respondents' Motion to Dismiss. The Full Commission finds that the claim should be dismissed for want of prosecution in accordance with Commission Rule 099.13. Said dismissal shall be without prejudice in accordance with Ark. Code Ann. §11-9-702(b)(Repl. 2012). We note that the claimant has not

submitted any relevant medical evidence demonstrating that she is entitled to additional medical treatment in accordance with Ark. Code Ann. §11-9-508(a)(Repl. 2012), and the claimant has not submitted relevant evidence demonstrating that she is entitled to any periods of temporary disability, permanent disability, or other appropriate workers' compensation benefits.

The Full Commission therefore affirms the administrative law judge's dismissal of the claim, without prejudice.

IT IS SO ORDERED.

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SCOTTY DALE DOUTHIT, Chairman

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M. SCOTT WILLHITE, Commissioner

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MICHAEL R. MAYTON, Commissioner