

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION
CLAIM NO. H404428**

**ALESHA M. DABNEY,
EMPLOYEE**

CLAIMANT

**DOLLAR GENERAL STORE,
EMPLOYER**

RESPONDENT

**DOLGENCORP, LLC/
SEDGWICK CLAIMS MG'T SERVICES, INC.
CARRIER/TPA**

RESPONDENT

**OPINION FILED DECEMBER 4, 2025,
GRANTING RESPONDENTS' MOTION TO DISMISS WITHOUT PREJUDICE**

Hearing conducted on Wednesday, December 4, 2025, before the Arkansas Workers' Compensation Commission (the Commission), Administrative Law Judge (ALJ) Mike Pickens, in Little Rock, Pulaski County, Arkansas.

The claimant, Ms. Alesha M. Dabney, pro se, of Sherwood, Pulaski County, Arkansas, failed and/or refused to appear at the hearing.

The respondents were represented by the Honorable Lee J. Muldrow, Wright, Lindsey & Jennings, Little Rock, Pulaski County, Arkansas.

STATEMENT OF THE CASE

A hearing was conducted on Wednesday, December 3, 2025, to determine whether this claim should be dismissed without prejudice pursuant to *Ark. Code Ann.* § 11-9-702(a)(4) (2025 Lexis Replacement) and 11 *C.A.R.* Section 25-110(d) (*Code of AR Regulations* 2025) (formerly cited as Commission Rule 099.13 (2025 Lexis Replacement)).

A previous hearing on the respondents' first motion to dismiss without prejudice for lack of prosecution (MTD1) was held in this claim on May 14, 2025. (Commission Exhibit 1). At that

time the claimant objected to the motion, and testified she intended to hire an attorney to represent her in this matter. It appears the claimant has not retained an attorney to represent her in this matter, nor has she taken any steps to prosecute her claim. Consequently, by a letter motion filed with the Commission on October 7, 2025, the respondents' renewed their request to dismiss this claim without prejudice (MTD2). (Respondents' Exhibit 1).

Thereafter, the claimant was provided due and legal notice of both the respondents' MTD2, as well as the date, time and place of the subject hearing on the motion. The claimant failed and/or refused to respond to the respondents' MTD2 in any way; failed and/or refused to object to the respondents' MTD2; and failed and/or refused to appear at the subject hearing.

The record herein consists of the hearing transcripts of both the May 14, 2025, and December 3, 2025, hearing transcripts and any and all exhibits contained therein and attached thereto, as well as the opinion filed May 16, 2025, denying the respondents' MTD1. (Comms'n Ex. 1).

DISCUSSION

Consistent with *Ark. Code Ann.* § 11-9-702(a)(4) (2025 Lexis Replacement), as well as our court of appeals' ruling in *Dillard vs. Benton County Sheriff's Office*, 87 Ark. App. 379, 192 S.W.3d 287 (Ark. App. 2004), the Commission scheduled and conducted a hearing on the respondents' MTD. Rather than recite a detailed analysis of the record, suffice it to say the preponderance of the evidence introduced at the hearing and contained in the record conclusively reveals the claimant has failed and/or refused to either actively prosecute her claim, or to request a hearing within the last six (6) months. Moreover, she has failed and/or refused to object to the respondents' MTD2. Therefore, after a thorough consideration of the issues at bar, the applicable law as applied to the facts of this claim, and other relevant matters of record including the representations of credible counsel, I hereby make the following:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The Commission has jurisdiction of this claim.
2. After having received due and legal notice of both the respondents' letter MTD2 without prejudice filed with the Commission on October 7, 2025, as well as due and legal notice of the date, time, and place of the subject hearing, the claimant failed and/or refused to respond to the MTD2 in any way; failed and/or refused to object to the MTD2; and failed and/or refused to appear at the subject hearing.
3. The claimant has not requested a hearing within the last six (6) months and has taken no action(s) to raise any issues related to or to prosecute this claim.
4. Therefore, the preponderance of the evidence compels the decision the respondents' letter MTD2 without prejudice filed October 7, 2025, should be and hereby is GRANTED; and this claim is dismissed without prejudice to its refiling pursuant to the deadlines prescribed by *Ark. Code Ann.* Section 11-9-702(a) and (b) and 11 *C.A.R.* 25-110(d) (formerly cited as Commission Rule 099.13).

If they have not already done so, the respondents hereby are ordered to pay the court reporter's invoice within twenty (20) days of their receipt thereof.

IT IS SO ORDERED.

Mike Pickens
Administrative Law Judge

MP/mp

