

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. H204851

JANET FOSTER, EMPLOYEE

CLAIMANT

VS.

**GOODWILL INDUSTRIES OF ARKANSAS,
EMPLOYER**

RESPONDENT

**ATA WC TRUST/RISK MANAGEMENT
RESOURCES, CARRIER/TPA**

RESPONDENT

OPINION AND ORDER FILED APRIL 1, 2026

A Hearing before Administrative Law Judge James D. Kennedy was held on March 30, 2026, in Fort Smith, Arkansas.

Claimant was pro-se and failed to appear.

Respondents were represented by Melissa Wood, of Little Rock, Arkansas.

STATEMENT OF THE CASE

A hearing was held in the above styled matter on the 30th day of March 2026, in Fort Smith, Arkansas, on Respondent's Motion to Dismiss for failure to prosecute pursuant to 11 C.A.R. 25-110(d) which was previously named Rule 099.13 of the Arkansas Workers' Compensation Commission. The claimant was pro se and failed to appear. The Respondents were represented by Melissa Wood of Little Rock, Arkansas. The Claimant had previously been represented by Eddie Walker, who was allowed to withdraw by an Order, dated June 2, 2025.

This Motion to Dismiss was filed on January 5, 2026, requesting that this matter be dismissed pursuant to 11 C.A.R. 25 -110(d). A previous Motion to Dismiss hearing had been held on October 6th, 2025, and that motion was denied. A Form AR-2 was filed

on December 29, 2022, which provided that the claim had been accepted. An AR-C Form was filed on November 1, 2023. The Claimant sustained a compensable hernia injury, and a hearing had been held on April 22, 2024, for additional benefits for temporary total disability, additional medical, and entitlement to a weight loss program. The Claimant has made no request for an additional hearing to further prosecute her claim and an email provided that the claimant had no objection to a dismissal.

After proper and reasonable notice, a hearing was held on March 30, 2026, on the second Motion to Dismiss and the Claimant failed to appear. The Respondents were represented by Melissa Wood, who requested that the matter be dismissed pursuant to 11 C.A.R. 110(d) of the Arkansas Workers' Compensation Commission.

11 C.A.R. 110 (d) provides that upon a meritorious application 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 the parties, enter an order dismissing the claim for want of prosecution. Here, it is found that reasonable notice to all the parties was provided, and that the Claimant has not made a bona fide request for a hearing to prosecute her claim.

ORDER

Pursuant to the above statement of the case, documents entered into the record, and statements by the Attorney for the Respondents, there is no alternative but to grant the Motion to Dismiss without prejudice pursuant to 11 C.A.R. 110(d) of the Arkansas Workers' Compensation Commission, after a finding of reasonable notice to all the parties

and a finding of a meritorious request by the Respondent that the claim be dismissed due to the Claimant failing to prosecute her claim.

IT IS SO ORDERED.

JAMES D. KENNEDY
Administrative Law Judge