

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION
WCC NO. H402327**

**ETHEL L. HALL,
EMPLOYEE**

CLAIMANT

**WALMART ASSOCIATES, INC.,
EMPLOYER /CARRIER/TPA**

RESPONDENT

OPINION FILED MARCH 30, 2025

Hearing conducted on Friday, February 24, 2026, before the Arkansas Workers' Compensation Commission (the Commission), Administrative Law Judge (ALJ) Steven Porch, in Little Rock, Pulaski County, Arkansas.

The Claimant is *Pro Se*, of Greenbrier, Arkansas.

The Respondents were represented by Mr. Michael C. Stiles, Attorney at Law, Little Rock, Arkansas.

I. BACKGROUND

This matter comes before the Commission on a Motion to Dismiss filed by Respondents on December 19, 2025. A hearing on the motion was conducted on February 24, 2026, in Little Rock, Arkansas. Claimant, according to Commission file is *Pro Se*, failed to appear at the hearing.

The Claimant worked for the Respondent/Employer as an automation support associate. The date for Claimant's alleged injury was on May 22, 2023. This incident was reported to the Respondent/Employer on April 8, 2024. Admitted into evidence was Respondents' Exhibit 1, pleadings, and correspondence, consisting of 9 pages, and Commission Ex. 1, pleadings, correspondence, and U.S. Mail return receipts, consisting of 15 pages, *as discussed infra*.

The record reflects on April 5, 2024, a Form AR-C was filed by Claimant purporting that Claimant sustained an injury to her left shoulder during a work incident. On April 15, 2024, a Form AR-1 was filed purporting that no incident was ever reported to management. On April 23, 2024,

a Form AR-2 was filed disputing that Claimant was injured during the course and scope of employment. On May 28, 2024, a Form AR-C was filed by Claimants then-attorney, Gary Davis, purporting that Claimant sustained an injury to her left shoulder and arm while lifting cases of water.

Respondents filed a motion to dismiss on October 29, 2024, for failure to prosecute. Claimant objected to the dismissal, in writing, and requested a full hearing on November 21, 2024. I held the dismissal request in abeyance on the same day. On January 21, 2025, a prehearing telephone conference was held, and a prehearing order was filed on the same day. The prehearing order was also sent out the same day, certified mail, to Claimant and Claimant's counsel. Claimant's certified letter was returned to the Commission; however, Claimant's counsel's letter was not returned to the Commission. The full hearing was set for March 25, 2025, 10:00 a.m., Little Rock, Arkansas. On January 30, 2025, Claimant's counsel sent an email that stated he was having difficulty in locating the Claimant. On March 11, 2025, Respondents sent an email asking for a continuance due to incomplete discovery, mainly Claimant's failure to appear at a scheduled deposition. I granted the continuance and sent the file back to general files.

On March 12, 2025, Claimant's then-attorney filed a Motion to Withdraw as Claimant's attorney due to her failure to communicate with him. The Full Commission granted Mr. Davis's motion on April 9, 2025. Respondents filed another motion to dismiss due to Claimant's failure to prosecute her claim on December 19, 2025. The Claimant was sent, on December 30, 2025, 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 letter to the Commission on January 5, 2025. This notice was also sent regular U.S. Mail and was returned to the Commission on the same date as the certified letter. Moreover, as a courtesy, the

motion notice was sent to Claimant, via email, on December 30, 2025. 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 January 22, 2026. The certified notice was not claimed as noted by the February 2, 2026, return receipt. Likewise, the hearing notice sent regular First-Class was returned to the Commission on that same date. The hearing took place on February 24, 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 February 24, 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 not claimed by Claimant. The notice sent regular U.S. Mail was returned to the Commission on February 2, 2026. The Claimant is responsible for keeping the Commission apprised of her current address. The Claimant did not do that. Nevertheless, sending notices to the last known address of record is reasonable. 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 but has failed to prosecute her claim. 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