BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. H500809

TABITHA HILL, EMPLOYEE	CLAIMANT
BAPTIST HEALTH SYSTEM, EMPLOYER	RESPONDENT
CLAIMS ADMINISTRATIVE SERVICES, INSURANCE CARRIER/TPA	RESPONDENT

OPINION FILED SEPTEMBER 23, 2026

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

Claimant represented by the HONORABLE STEVEN R. McNEELY, Attorney at Law, Jacksonville, Arkansas.

Respondents represented by the HONORABLE JARROD S. PARRISH, Attorney at Law, Little Rock, Arkansas.

CLAIMANT'S MOTION FOR RULE ON THE CLERK GRANTED

The claimant in the above-styled matter has filed a REQUEST FOR RULE ON THE CLERK. The respondents have filed a MOTION FOR RULE ON THE CLERK and a RESPONSE TO MOTION FOR RULE ON THE CLERK. Pursuant to these motions, the Full Commission finds that the respondents did not file a timely notice of appeal, and that the administrative law judge's May 19, 2026 opinion is now final.

I. HISTORY

The parties stipulated that the claimant sustained a compensable injury to her right knee on or about January 23, 2025. The Commission's

file contains correspondence to the Clerk of the Commission from Worley, Wood & Parrish, P.A., Law Offices, 1311 W. 2nd Street, Little Rock, Arkansas, 72201, dated July 2, 2025: "This law firm has been retained to represent the respondents with regard to the above referenced matter. I am not asking that you schedule this matter for a hearing at this time but am simply notifying the Commission of our representation of the respondents." Carol Lockard Worley signed the July 2, 2025 correspondence and copied same to the claimant's attorney.

A pre-hearing order was filed on October 8, 2025. The claimant contended, among other things, that she sustained compensable injuries to her right knee and low back. The claimant contended that she was entitled to additional treatment and temporary total disability benefits. The respondents contended that all appropriate benefits had been paid. A hearing was held on February 18, 2026. The respondents were represented at the hearing by Jarrod Parrish of Worley, Wood & Parrish, P.A.

An administrative law judge filed an opinion on May 19, 2026. The administrative law judge found, among other things, that the claimant proved she sustained a compensable injury to her back. The administrative law judge found that the medical treatment of record was reasonably necessary, and that the claimant was entitled to a period of temporary total

disability benefits. On May 19, 2026, the administrative law judge corresponded with the parties via "CERTIFIED MAIL – RETURN RECEIPT REQUESTED." The "CERTIFIED MAIL – RETURN RECEIPT REQUESTED" was sent to Carol Lockard Worley, 1311 West 2nd Street, Little Rock, Arkansas, 72201.

The United States Postal Service produced documentation dated May 25, 2026 to United Systems of Arkansas:

> The following is the delivery information for Certified Mail™/RRE item number 9214 8969 0087 3072 1644 68. Our records indicate that this item was delivered on 05/21/2026 at 2:28 p.m. in LITTLE ROCK, AR 72201. The scanned image of the recipient information is provided below.
>
> Signature of Recipient:
>
> Address of Recipient:

Beside "Signature of Recipient" on the May 21, 2026 document were essentially two circular scribbles with no identification of an individual. Beside "Address of Recipient" on May 21, 2026 was the address of 1311 W 2nd St, Little Rock, AR 72201. This address of course belongs to Worley, Wood & Parrish, P.A.

The respondents filed a NOTICE OF APPEAL TO THE FULL COMMISSION on July 9, 2026.

II. ADJUDICATION

Ark. Code Ann. §11-9-711(a)(Repl. 2012) provides:

> (1) A compensation order or award of an administrative law judge or a single commissioner shall become final unless a party to the dispute shall, within thirty (30) days from the receipt by him or her of the order or award, petition in writing for a review by the full commission of the order or award.

In the present matter, an administrative law judge filed an opinion on May 19, 2026. The administrative law judge found that the claimant proved she sustained a compensable injury to her back. The administrative law judge found that the medical treatment of record was reasonably necessary, and that the claimant was entitled to temporary total disability benefits from July 18, 2025 through April 9, 2026. On May 21, 2026, the administrative law judge's May 19, 2026 opinion was delivered to Worley, Wood & Parrish, P.A., 1311 W. 2nd St., Little Rock, Arkansas 72201.

When a letter is properly addressed, it is presumed that it is received by the party to whom it was addressed, and that it reached him or her in due course of mail. *American Fidel. Fire Ins. Co. v. Winfield*, 225 Ark. 139, 279 S.W.2d 836 (1955). Where a letter was properly stamped and mailed, and was never returned to the sender, it is presumed that it was received, but the presumption may be rebutted. *Old Republic Ins. Co. v. Martin*, 229 Ark. 1065, 320 S.W.2d 266 (1959). The presumption arising where proof shows a letter properly mailed is not a conclusive presumption of law, but an inference of fact founded on the probability that the officers of the government will do their duty; such a presumption can be rebutted. *Id*.

The respondents in the present matter state that no partners or employees of Worley, Wood & Parrish, P.A. signed for the administrative law judge's opinion delivered to them via certified mail on May 21, 2026. The respondents assert that they did not receive the opinion until claimant's counsel notified them of same on July 6, 2026. Nevertheless, a mere denial that a properly mailed letter was not received is not sufficient, as a matter of law, to rebut the presumption; it simply leaves the question of receipt to the finder of fact. *Swink & Co. v. McEntee & McGinley, Inc.*, 266 Ark. 279, 584 S.W.2d 393 (1979).

The Full Commission finds that the respondents in the present matter failed to rebut the presumption that they received the administrative law judge's May 19, 2026 opinion on May 21, 2026. In workers' compensation cases, a compensation order or award of an administrative law judge becomes final unless a party to the dispute, within 30 days from the receipt by him or her of the order or award, petitions in writing for a review by the Full Commission of the order or award. *Clark v. Mickey's Special Affairs, Inc.*, 2015 Ark. App. 168, citing Ark. Code Ann. §11-9-711(a)(1)(Repl. 2012). The timely filing of a notice of appeal is jurisdictional. *U.S. Bank v. Milburn*, 352 Ark. 144, 100 S.W.3d 674 (2003).

The facts before the Full Commission demonstrate that the respondents received the administrative law judge's May 19, 2026 opinion

on May 21, 2026. The administrative law judge's opinion became final on or about June 22, 2026. Ark. Code Ann. §11-9-711(a)(1)(Repl. 2012). The respondents did not file a NOTICE OF APPEAL TO THE FULL COMMISSION until July 9, 2026, beyond the 30-day statutory deadline. The Full Commission therefore finds that the respondents' NOTICE OF APPEAL TO THE FULL COMMISSION was not timely, and that the administrative law judge's opinion became final on or about June 22, 2026.

IT IS SO ORDERED.

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SCOTTY DALE DOUTHIT, Chairman

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M. SCOTT WILLHITE, Commissioner

Commissioner Mayton dissents.

DISSENTING OPINION

I respectfully dissent from the majority's opinion finding that the respondents did not timely file a notice of appeal and the administrative law judge's May 19, 2026 Opinion is now final.

The question here is whether a green card returned to the Commission with an unintelligible signature satisfies the requirement set forth by Ark. Code Ann. § 11-9-711(a)(1) that a notice of appeal must be

submitted within thirty (30) days of a party's receipt of an administrative law judge's (ALJ) opinion.

The case of *Tarr v. Arkansas State Board of Nursing* presents nearly identical circumstances to those we see here. 2025 Ark. App. 195, 711 S.W.3d 799 (2025). On June 30, 2021, the Nursing Board (the Board) sent Tarr a letter of reprimand (LOR) via certified mail and through the Board's online nurse portal informing her the Board had received a complaint alleging she was in an unprofessional relationship with a patient and directing her to provide evidence she had completed a "Nurse and Professional Behaviors" course within six months. *Id*.

On March 7, 2022, the Board sent a notice to Tarr via first-class mail and the nurse portal informing her she had to submit a certificate showing completion of the course by March 18, 2022, or she would be scheduled for a hearing before the Board. Tarr failed to contact the Board or provide a course-completion certificate. *Id*.

In *Tarr*, the parties appeared for a hearing on February 15, 2023. There, Board Assistant Director Lisa Wooten testified that on June 30, 2021, the LOR was sent to Tarr via the nurse portal and mailed to her last-known address via certified mail, and the "green card" was signed by Tarr on July 1, 2021. *Id*.

Tarr appeared pro se at the hearing and asserted she had received the hearing notice only the day before, and the first time she had ever seen the LOR was the day of the hearing. *Id*. She testified the signature on the green card was not hers and noted the card did not specify whether the person signing "was the agent or the addressee," nor was the handwritten name "Charity Tarr" on the green card in her handwriting. *Id*.

At the conclusion of the hearing, the Board found Tarr was in violation of the Board's rules. Written findings of fact and conclusions of law were entered on February 24, 2023, formalizing the Board's findings from the hearing and specifically finding the LOR was sent by certified mail to Tarr's last-known mailing address on file with the Board and was signed by Tarr on July 1, 2021. Tarr's license was therefore suspended until she satisfied the terms of the LOR. *Id*.

Upon review, the Court of Appeals opined:

> Although Tarr testified that it was not her mark or her handwriting, the Board was free to believe or disbelieve her. *Ark. Dep't of Corr. Sex Offender Assessment Comm. v. Hastings,* 2024 Ark. App. 407, 699 S.W.3d 123 ("Witness credibility and the weight of the evidence are within the agency's discretion, and it is the prerogative of the agency to believe or disbelieve any witness and to decide what weight to accord to that evidence."). Clearly, the Board did not believe Tarr. The signed green card constituted substantial evidence that Tarr received the letter. Once that proof was before the Board,

> the burden of proving an absence of substantial evidence fell to Tarr as the challenging party. *Bohannon v. Ark. St. Bd. of Nursing*, 320 Ark. 169, 895 S.W.2d 923 (1995). All Tarr offered to dispute the legitimacy of the signature on the green card was her self-serving testimony. Given the record before the Board, we cannot say that the Board's decision was not supported by substantial evidence. And because it is supported by substantial evidence, it cannot be unreasonable or arbitrary. *Hastings, supra*. *Id*.

While the Commission is not bound by the Administrative Procedures Act, the Legislature has historically aligned the interests of the two. Ark. Code Ann. Tit. 11, Ch. 9, Subchapter 7 Note. Thus, we can reasonably rely on the holding in *Tarr* in our analysis here.

In the present case, the claimant seeks to dismiss the Respondents appeal pursuant to Ark. Code Ann. § 11-9-711(a)(1). The claimant contends the respondents failed to timely file their appeal of the administrative law judge's (ALJ) May 19, 2026 Opinion.

The respondents allege claimant's counsel, Mr. Steven McNeely, informed respondents' counsel, Mr. Jarrod Parrish, on July 6, 2026, an opinion had been filed on May 19, 2026. Prior to that, Mr. Parrish had not received or reviewed the opinion, nor is there any evidence anyone in his firm had done so.

It is undisputed a green card was returned to the Commission acknowledging receipt of the order by someone; however, there is no

evidence the individual who signed worked with or for respondent's attorney.

Trese Martin, paralegal for Worley, Wood & Parrish, receives and distributes mail for the firm. The mark on the relevant green card in this case is not consistent with Ms. Martin's signature. No other party in the firm who could have signed for the order in this matter was present in the office at the time the order was purportedly delivered.

We are, therefore, left with the baseline question as set forth in *Tarr*, simply, whether we believe or do not believe Mr. Parrish's contention that he did not receive the ALJ's opinion on May 21, 2026. Unlike *Tarr*, the green card on file does not reflect the legible signature of any party to this claim. There is no printed name of the recipient that would reflect Ms. Martin or anyone else in that office received the order. All we have before us is a dated green card with Worley, Wood & Parrish's address and an indecipherable signature. It is easier, in my view, to believe the postal service made a simple mistake and delivered the package to the incorrect recipient who unknowingly signed for it than to believe an attorney who has practiced in front of the Commission for years would misrepresent the truth in order to cover a potential error on his part.

Accepting a green card as presented in this case with an illegible mark without further evidence supporting the claimant's assertion that it

satisfies the requirements of Ark. Code Ann. § 11-9-711(a)(1) would create a dangerous standard. Therefore, the only reasonable option is to deny the claimant's motion and grant the Motion to Rule on The Clerk filed by the respondents.

Accordingly, for the reasons set forth above, I must dissent.

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MICHAEL R. MAYTON, Commissioner