BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION
CLAIM NO. H405709

VIRGINIA L. LINDBERG,
EMPLOYEE **CLAIMANT**

BRYANT SCHOOL DISTRICT,
EMPLOYER **RESPONDENT**

ARK. SCHOOL BDS. ASS'N WORKERS' COMP. TRUST/
ARK. SCHOOL BDS. ASS'N
CARRIER/TPA **RESPONDENT**

OPINION FILED OCTOBER 7, 2026
GRANTING RESPONDENTS' MOTION TO DISMISS WITHOUT PREJUDICE

Hearing conducted on Tuesday, October 6, 2026, before the Arkansas Workers' Compensation Commission (the Commission), Administrative Law Judge (ALJ) Mike Pickens, in Little Rock, Pulaski County, Arkansas.

The claimant, Ms. Virginia L. Lindberg, pro se, of Benton, Saline County, Arkansas, failed and/or refused to appear at the hearing.

The respondents were represented by the Honorable Jarrod Parrish, Worley, Wood & Parrish, P.A., Little Rock, Pulaski County, Arkansas.

STATEMENT OF THE CASE

A hearing was conducted on October 6, 2026, to determine whether this claim should be dismissed without prejudice pursuant to ***Ark. Code Ann.*** § 11-9-702(a)(4) (2025 LexisNexis Edition) and 11 ***CAR*** Section 25-110(d) (2025 ***Code of AR Regulations***), formerly cited as Commission Rule 099.13 (2026 LexisNexis Ed.)

The claimant requested and, by order filed October 4, 2024, the Full Commission granted her one (1)-time-only change of physician (COP) request to Dr. John Bracey. Thereafter, the claimant

made her one (1) and only hearing request to the Commission via an email dated June 30, 2025; however, she never completed a legal advisor questionnaire the Commission sent to her, nor did she take any action(s) whatsoever to prosecute her claim.

On August 6, 2026, the respondents filed with the Commission a motion to dismiss for lack of prosecution (MTD). (Respondents' Exhibit 1 at 4-6). The Commission complied with the applicable law in providing the claimant due and legal notice of both the respondents' MTD and the subject hearing date, time, and place. (RX1 at 8). Once again, the claimant failed and/or failed to respond in any way to the MTD; to object to her claim's dismissal without prejudice; and she failed and/or refused to attend the subject hearing.

The record herein consists of the hearing transcript and any and all exhibits contained therein or attached thereto.

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 filed June 26, 2026. Because I find the facts stated in the respondents' brief in support of their MTD to be accurate, objective, and consistent with the documentary evidence of record, I hereby incorporate them by reference as if they were set forth word-for-word herein. And 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 not taken any action(s) to prosecute her claim or to request a hearing within the last six (6) months.

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' MTD without prejudice filed with the Commission on August 6, 2026, 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 either the MTD or the hearing notice in any way.

3. The claimant has not requested a hearing within the last six (6) months and has taken no steps to either raise or prosecute any additional issue(s) in this claim.

4. Therefore, the preponderance of the evidence compels the decision the respondents' MTD without prejudice filed August 6, 2026, 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 ***CAR*** Section 25-110(d) (2025 ***Code of AR Regulations***), 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 immediately upon their receipt thereof.

IT IS SO ORDERED.

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Mike Pickens
Administrative Law Judge

MP/mp