

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION
WCC NO. H408020**

YULIANA CARDENAS LORENZO, EMPLOYEE	CLAIMANT
DOLLAR TREE STORES, INC., EMPLOYER	RESPONDENT
AIU INSURANCE. CO., CARRIER	RESPONDENT
SEDGWICK CLAIMS MGMT, THIRD-PARTY ADMINISTRATOR	RESPONDENT

OPINION FILED NOVEMBER 19, 2025

Hearing conducted on Friday, October 17, 2025, before the Arkansas Workers' Compensation Commission (the Commission), Administrative Law Judge (ALJ) Steven Porch, in Forrest City, St. Francis County, Arkansas.

The Claimant is *Pro Se*, of Memphis, Tennessee.

The Respondents were represented by Ms. Melissa Wood, Attorney at Law, Little Rock, Arkansas.

I. BACKGROUND

This matter comes before the Commission on a Motion to Dismiss filed by Respondents on July 28, 2025. A hearing on the motion was conducted on October 17, 2025, in Forrest City, Arkansas. Claimant, according to Commission file is *Pro Se*, failed to appear at the hearing.

The Claimant worked for the Respondent/Employer as a DC 18 3RD SHIFT. The date for Claimant's alleged injury was on December 9, 2024. She reported her injury to Respondent/Employer on the same day as the incident. Admitted into evidence was Respondents' Exhibit 1, pleadings, and correspondence, consisting of 9 pages, and Commission Ex. 1, pleadings, and U.S. Mail return receipts, consisting of 7 pages, *as discussed infra*.

The record reflects on December 12, 2024, a Form AR-1 was filed purporting that Claimant injured her right ankle while attempting to pick-up a heavy box. On December 17, 2024, the Respondents filed an AR-2, neither accepting nor denying compensability. On January 24, 2025, Claimant through her then-attorney, Mark Peoples, filed an AR-C purporting that Claimant sustained work-related injury to her right foot. On January 30, 2025, Respondents filed another Form AR-2 with the first day of disability as December 1, but this date appears incomplete and inaccurate. On March 6, 2025, Claimant's then-attorney, Mark Peoples, filed a Motion to Withdraw as Counsel of Record. The Full Commission granted Mr. People's motion on April 9, 2025.

Respondents filed a Motion to Dismiss due to Claimant's failure to prosecute her claim on July 28, 2025. The Claimant was sent, on August 8, 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 on the August 23, 2025, return receipt. This notice was also sent regular U.S. Mail on August 8, 2025, but did not return to the Commission. 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 September 8, 2025. The certified notice was claimed as noted by the September 17, 2025, return receipt. Likewise, the hearing notice sent regular U.S. Mail was not returned to the Commission. The hearing took place on October 17, 2025. 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 October 17, 2025, 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 claimed by Claimant, per the return postal notice bearing the September 17, 2025, date. Thus, I find by the preponderance of the evidence that reasonable notice was given to the Claimant.

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 her Form AR-C on January 24, 2025. Since then, she has failed to request a bona fide hearing. 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