

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION  
WCC NO. G906188**

<b>KAREN R. MANUES, EMPLOYEE</b>	<b>CLAIMANT</b>
<b>LA DARLING CO. LLC, EMPLOYER</b>	<b>RESPONDENT</b>
<b>INDEMN. INS. CO. OF NO. AMER., CARRIER</b>	<b>RESPONDENT</b>

**OPINION FILED JANUARY 5, 2026**

Hearing before Chief Administrative Law Judge O. Milton Fine II on January 2, 2026, in Jonesboro, Craighead County, Arkansas.

Claimant, *pro se*, not appearing.

Respondents represented by Mr. Jason M. Ryburn, Attorney at Law, Little Rock, Arkansas.

**I. BACKGROUND**

This matter comes before the Commission on the Motion to Dismiss by Respondents. A hearing on the motion was conducted on January 2, 2026, in Jonesboro, Arkansas. No testimony was taken in the case. Claimant, who according to Commission records is *pro se*, failed to appear at the hearing. In order to address adequately this matter under Ark. Code Ann. § 11-9-705(a)(1) (Repl. 2012)(Commission must “conduct the hearing . . . in a manner which best ascertains the rights of the parties”), and without objection, I have blue-backed to the record documents from the Commission’s file on the claim, consisting of 22 pages. In accordance with *Sapp v. Tyson Foods, Inc.*, 2010 Ark. App. 517, 2010

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Ark. App. LEXIS 549, these documents have been served on the parties in conjunction with this opinion.

The record reflects the following procedural history:

Per the First Report of Injury or Illness filed on September 20, 2019, Claimant purportedly suffered an injury to her left leg at work on September 9, 2019, when some metal racks fell on her. According to the Form AR-2 that was also filed on September 9, 2019, Respondents accepted the injury as compensable and paid medical and indemnity benefits pursuant thereto. As reflected by the original and amended Forms AR-4 that were filed on February 3 and 9, 2021, respectively, Respondents closed this matter as of that first date.

In a letter to the Legal Advisor Division of the Commission received on January 27, 2025, Claimant wrote:

I am writing to you about my injury in September of 2019. I need further medical assistance on this matter.

Please open my case. I am requesting a hearing on this matter.

Because Claimant did not send to the Commission a completed Legal Advisor Questionnaire by the deadline, her file was returned to the Commission's general files on March 3, 2025; and she was notified of that fact by first-class mail sent to the same address as she furnished to the Commission in her January 27, 2025, correspondence.

However, Claimant again requested a hearing; and in this instance, on March 10, 2025, she returned a completed questionnaire. Respondents' counsel

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made his entry of appearance on March 21, 2025. Due to the failure at an attempt to set up at legal advisor conference, the matter was reassigned to me on April 1, 2025. On April 2, 2025, I sent preliminary notices and prehearing questionnaires to the parties. However, because Claimant failed to complete and return either document, her file was again returned to the Commission's general files on May 6, 2025. She was notified of this by first-class mail.

The record reflects that nothing further took place on the claim until October 16, 2025. On that date, Respondents filed the instant motion, asking for dismissal of the matter under 11 C.A.R. § 25-110(d) (formerly AWCC R. 099.13). The file was reassigned to me on October 17, 2025; and on that same date, my office wrote Claimant, asking for a response to the motion within 20 days. The letter was sent by first class and certified mail to the Corning, Arkansas address that Claimant had used on her earlier correspondence with the Commission. Someone with an illegible signature claimed the certified letter on October 20, 2025; and the first-class letter was not returned. Regardless, no response from Claimant to the motion was forthcoming.

On November 7, 2025, a hearing on the Motion to Dismiss was scheduled for January 2, 2026, at 12:30 p.m. at the Craighead County Courthouse in Jonesboro. The notice was sent to Claimant via first-class and certified mail to the same address as before. In this instance, the certified letter was claimed on

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November 12, 2025, by someone with an illegible signature, while the first-class letter was not returned.

The hearing on the Motion to Dismiss proceeded as scheduled. Again, Claimant failed to appear at the hearing. But Respondents appeared through counsel and argued for dismissal under the foregoing authority.

## **II. FINDINGS OF FACT AND CONCLUSIONS OF LAW**

After reviewing the record as a whole, to include documents and other matters properly before the Commission, the following Findings of Fact and Conclusions of Law are hereby made in accordance with Ark. Code Ann. § 11-9-704 (Repl. 2012):

1. The Arkansas Workers' Compensation Commission has jurisdiction over this matter.
2. The parties were provided reasonable notice of the Motion to Dismiss and of the hearing thereon.
3. No Form AR-C has ever been filed in connection with this matter.
4. No other document before the Commission in this matter constitutes a claim for additional benefits under Ark. Code Ann. § 11-9-702(c) (Repl. 2012).
5. Respondents' Motion to Dismiss is denied because no claim exists to be subject to dismissal.

### III. DISCUSSION

11 C.A.R. § 25-110(d) (formerly AWCC R. 099.13) reads:

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).

As the moving party, Respondents under Ark. Code Ann. § 11-9-705(a)(3) (Repl. 2012) must prove their entitlement to the relief requested—dismissal of the claim—by a preponderance of the evidence. This standard means the evidence having greater weight or convincing force. *Barre v. Hoffman*, 2009 Ark. 373, 326 S.W.3d 415; *Smith v. Magnet Cove Barium Corp.*, 212 Ark. 491, 206 S.W.2d 442 (1947).

No Form AR-C has been filed in AWCC No. H202191. That is the means for filing a “formal claim.” While a Form AR-1 was filed, that does not suffice to instigate a claim.

Per Ark. Code Ann. § 11-9-702(c) (Repl. 2012):

A claim for additional compensation must **specifically** state that it is a claim for additional compensation. Documents which do not **specifically** request additional benefits shall not be considered a claim for additional compensation.

(Emphasis added) See *White Cty. Judge v. Menser*, 2020 Ark. 140, 597 S.W.3d 640. Claimant’s January 27, 2025, letter to the Commission, quoted above, falls

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short of this standard. My review of the evidence discloses no document sufficient to constitute a filing of a claim for additional benefits under the standard cited above.

Because no claim has been filed, it follows that there is no claim subject to dismissal per Respondents' motion. The Motion to Dismiss thus must be, and hereby is, respectfully denied.

#### **IV. CONCLUSION**

In accordance with the Findings of Fact and Conclusions of Law set forth above, the Motion to Dismiss is hereby denied.

**IT IS SO ORDERED.**

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O. MILTON FINE II  
Chief Administrative Law Judge