

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION  
WCC NO. H405677**

**KEISHA MARTIN,  
EMPLOYEE**

**CLAIMANT**

**DOUBLE H BURGER CO LLC.,  
EMPLOYER**

**RESPONDENT**

**BRIDGEFIELD EMPLOYERS INS. CO.,  
CARRIER**

**RESPONDENT**

**BRIDGEFIELD EMPLOYERS INS. CO.,  
TPA**

**RESPONDENT**

**OPINION FILED SEPTEMBER 30, 2025**

Hearing conducted on Tuesday, August 26, 2025, before the Arkansas Workers' Compensation Commission (the Commission), Administrative Law Judge (ALJ) Steven Porch, in Little Rock, Pulaski County, Arkansas.

The Claimant, Ms. Keisha Martin, *Pro Se*, of Pine Bluff, Arkansas.

The Respondents were represented by Mr. Guy Alton Wade, Attorney at Law, Little Rock, Arkansas.

**I. BACKGROUND**

This matter comes before the Commission on a Motion to Dismiss filed by Respondents on June 13, 2025. A hearing on the motion was conducted on August 26, 2025, 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 a manager. The date for Claimant's alleged injury was on May 28, 2024. She reported her injury to Respondent/Employer on the same day. Respondents admitted into the record Respondents' Exhibit 1, pleadings, and correspondence, consisting of 11 pages. The Commission has admitted into evidence Commission Ex. 1, pleadings, correspondence, and U.S. Mail return receipts, consisting of 10 pages, *as discussed infra*.

The record reflects on September 3, 2024, a Form AR-1 was filed with the Commission purporting that Claimant slipped and fell and sustained injuries to his lower back and left knee. On September 3, 2024, a Form AR-2 was filed by Respondents neither accepting nor denying compensability. On November 21, 2024, a Form AR-C was filed by Claimant's then-counsel, Mark Peoples, purporting that Claimant sustained work-related injury to her left knee. On December 2, 2024, Respondents filed a letter with the commission accepting compensability. On April 25, 2025, Claimant's then-counsel filed a motion to withdraw as counsel. The Full Commission granted the motion on May 16, 2025.

On June 13, 2025, Respondents' counsel filed a Motion to Dismiss due to Claimant's failure to prosecute her claim. The Claimant was sent, on June 19, 2025, notice of the Motion to Dismiss, via certified and regular U.S. Mail, to her last known address. The certified motion notice was claimed by Claimant as noted on the June 23, 2025, return receipt. 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 July 16, 2025. The certified notice was not claimed as noted by the July 31, 2025, return receipt. The hearing notice sent regular First-Class was not returned to the Commission. The hearing took place on August 26, 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 July 30, 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 not claimed by Claimant, per the return postal notice bearing the July 31, 2025, date. However, the hearing notice sent regular First-Class mail was not returned to the Commission. The Claimant is responsible for updating her address with the Commission. 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 November 21, 2024. 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 by failing to request a hearing. 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.**

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STEVEN PORCH  
Administrative Law Judge