

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. H404897

BESSIE POINDEXTER, EMPLOYEE

CLAIMANT

**LOWES HOME CENTERS, LLC,
EMPLOYER**

RESPONDENT

**SEDGEWICK CLAIM MANAGEMENT
SERVICES, INC., INS. CARRIER/TPA**

RESPONDENT

OPINION FILED JULY 30, 2025

**Hearing before Administrative Law Judge James D. Kennedy in Little Rock,
Arkansas, on July 15, 2025.**

Claimant is pro se and appeared on her own behalf.

**Respondents are represented by their attorney, Randy P. Murphy, of Little Rock,
Arkansas.**

STATEMENT OF THE CASE

A hearing was held in the above styled matter on July 15, 2025, in Little Rock, Arkansas, on respondent's Motion to Dismiss for failure to prosecute pursuant to Arkansas Code Ann. 11-9-702 and Rule 099.13 of the Workers' Compensation Commission, with said Motion being filed on May 14, 2025. A First Report of Injury had been filed on July 31, 2024, and it provided that the Claimant had been watering plants and lost her balance, got her feet tangled up, fell on her backside, and that the Claimant did not report the claim until six (6) days later. The injury occurred on July 2, 2024. The AR-2 Form provided that the claim was a medical only claim.

A Motion to Dismiss the Claim was filed on or about on May 14, 2025, alleging that no hearing had been requested and that pursuant to A.C.A. 11-9-702 and Rule 13 of the

Arkansas Workers' Compensation Commission, the claim should be dismissed for want of prosecution. The Claimant had never taken any action to pursue benefits or prosecute her claim and that it was now over six (6) months without any action being taken on this matter. The Claimant failed to file a response to the Motion to Dismiss. Appropriate notice was then provided to the claimant, and she appeared on her own behalf at the time of the hearing where she stated that she wished to pursue her claim involving her right ankle and requesting her claim not be dismissed. She stated that she had talked to the Legal Advisor Division of the Commission, but apparently, an issue involving communication had developed. She had responded to the questionnaire and there had been some discussion involving possible mediation. Randy Murphy appeared on behalf of the Respondents and asked that the matter be dismissed for lack of prosecution.

After a review of the record as a whole, to include all evidence properly before the Commission, and having an opportunity to hear the statements of the attorney for the Respondent, as well as statements of the Claimant, the Claimant was instructed to maintain a method in which the parties and the Commission could contact her and to again contact the Legal Advisor Division for guidance, and that it was her responsibility to take these steps. It is found that this matter and the Motion to Dismiss should be taken under advisement at this time, to allow the Claimant to take appropriate action in regard to her claim.

ORDER

Pursuant to the above statement of the case, there is no alternative but to deny the Motion to Dismiss at this time and to take the matter under advisement to allow the Claimant to take affirmative steps in regard to the pursuit of her claim.

IT IS SO ORDERED.

JAMES D. KENNEDY
ADMINISTRATIVE LAW JUDGE