

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION
WCC NO. H506440**

**CAROLYN L. PHILLIPS,
EMPLOYEE**

CLAIMANT

**GREAT RIVER MEDICAL CTR.,
EMPLOYER**

RESPONDENT

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

RESPONDENT

**SUMMIT CONSULTING, LLC,
TPA**

RESPONDENT

OPINION FILED APRIL 27, 2026

Hearing conducted on Friday, March 27, 2026, before the Arkansas Workers' Compensation Commission (the Commission), Administrative Law Judge (ALJ) Steven Porch, in Jonesboro, Craighead County, Arkansas.

The Claimant was represented by Mr. Mark Alan Peoples, Little Rock, 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 January 12, 2026. A hearing on the motion was conducted on March 27, 2026, in Jonesboro, Arkansas. Claimant failed to appear at the hearing. Claimant's counsel waived his appearance for this hearing.

The Claimant worked for the Respondent/Employer as a PBX Operator. The date for Claimant's alleged injury was on June 4, 2024. This incident was reported to the Respondent/Employer on the same day. Admitted into evidence was Respondents' Exhibit 1,

pleadings, consisting of 12 pages, and Commission Ex. 1, U.S. Mail return receipts, consisting of 7 pages, *as discussed infra*.

The record reflects on October 7, 2025, a Form AR-C was filed by Claimant's attorney, Mark Alan Peoples, purporting that Claimant sustained an injury to her back, left knee, and left foot. On October 16, 2025, a Form AR-1 was filed purporting that while Claimant was walking to the time clock he tripped and fell on a crack in the middle of the floor. In a letter dated October 16, 2025, Respondents accepted the claim as compensable.

On October 28, 2025, a joint petition was filed with the Commission. A joint petition hearing was set for December 12, 2025. On November 4, 2025, Claimant changed her mind and no longer wanted to settle the claim. As a result, the hearing was cancelled, and the file was returned to general files.

Respondents filed a motion to dismiss on January 12, 2026, for failure to prosecute. The Claimant was sent, on January 16, 2026, 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 by the return of the certified return receipt dated January 31, 2026. This notice was also sent regular U.S. Mail and did not return to the Commission. The Claimant did not respond to the Motion, in writing, as required. However, Claimant's counsel, in an email dated January 16, 2026, stated that he was not able to reach the Claimant but does not oppose a motion to dismiss without prejudice. 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 February 24, 2026. The certified notice was claimed as noted by the return receipt dated March 2, 2026. The hearing notice sent regular First-Class was not returned

to the Commission. The hearing was scheduled for March 27, 2026. 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 March 27, 2026, 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 on March 2, 2026. Thus, I find by the preponderance of the evidence that the Claimant did receive reasonable notice of this motion to dismiss hearing.

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 a Form AR-C on October 7, 2025. Since then, the Claimant has not requested a bona fide full hearing, thus failing to prosecute her claim. 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