BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

AWCC FILE № H202309

CRECENIANE RAMIREZ, EMPLOYEE	**CLAIMANT**
SCHICKEL'S CLEANERS, INC., EMPLOYER	**RESPONDENT**
STARNET INSURANCE CO., CARRIER/ BERKLEYNET UNDERWRITERS, TPA	**RESPONDENT**

OPINION FILED 21 JULY 2026

Heard before Arkansas Workers' Compensation Commission Administrative Law Judge JayO. Howe on 10 June 2026 in Little Rock, Arkansas.

The *pro se* claimant did not appear.

Barber Munson, Ms. Karen McKinney, appeared for the respondents.

STATEMENT OF THE CASE

A hearing on the respondents' Motion to Dismiss was held on this matter in Little Rock, Arkansas, on 10 June 2026. This case relates to an accepted compensable injury occurring on or about 5 March 2022. The hearing record consists of the transcript, which includes Commission's Exhibit № 1 (two USPS delivery confirmation receipts and a Form AR-C) and Respondents' Exhibit № 1 (14 pages of filings and records offered in support of their motion).

A First Report of Injury was filed by the respondents on 21 March 2022; and a Form AR-2 was filed on 25 March 2022. A Form AR-C seeking all available benefits was filed on the claimant's behalf by counsel on 2 May 2024. The claimant's counsel was subsequently granted leave to withdraw from the matter on 30 October 2024.

The respondents issued the final payment on an accepted 40% permanent impairment rating on 10 March 2025. Then, on 20 April 2026, the respondents filed a

motion for dismissal of the claim for want of prosecution. They noted that no hearing had been requested in the six months preceding the filing of their motion.

Notice of the filing of that motion and subsequent notice of a hearing on that motion were sent to the claimant, consistent with Commission practices, via First Class and Certified mail. The receipts confirming delivery of those mailings to the claimant were entered into the record as Commission's Exhibit № 1. The claimant did not respond to either mailing. She did not file an objection or appear at the hearing to argue against the respondents' motion.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

After reviewing the record as a whole, 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 matter.

2. The parties were provided with reasonable notice of the Motion to Dismiss and the hearing on the motion.

3. The evidence preponderates that the claimant has failed to prosecute her claim under 11 C.A.R. § 25-110(d).

4. The Motion to Dismiss is hereby granted; this claim for additional benefits is dismissed without prejudice under 11 C.A.R. § 25-110(d).

DISCUSSION

The respondents appeared at the hearing, presented their motion, and admitted evidence into the record in support of their motion. As argued by the respondents at the hearing, 11 C.A.R. § 25-110(d) provides for a dismissal for failure to prosecute an action upon application by either party and reasonable notice. As stated above, the claimant did not file an objection; nor did she attend the hearing to argue against the motion. The record includes no evidence of the claimant requesting a hearing in the six months preceding the respondents' motion.

Based on my review of the evidence presented by the respondents, a dismissal without prejudice is appropriate.

ORDER

Consistent with the findings of fact and conclusions of law set forth above, the Motion to Dismiss is hereby GRANTED. This claim for additional benefits is dismissed without prejudice.

SO ORDERED.

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JAYO. HOWE
ADMINISTRATIVE LAW JUDGE