

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION
CLAIM NO. H401828**

**KEICHA ROBINSON,
EMPLOYEE**

CLAIMANT

**ACE HARDWARE CORP.,
EMPLOYER**

RESPONDENT

**INDEMNITY INS. CO. OF AMERICA,
CARRIER/TPA**

RESPONDENT

**GALLAGHER BASSETT SERVICES INC.,
THIRD PARTY ADMINISTRATOR**

RESPONDENT

OPINION FILED SEPTEMBER 9, 2025

Hearing before Administrative Law Judge Steven Porch on August 12, 2025, in Little Rock, Pulaski County, Arkansas.

The Claimant was *Pro Se*, Little Rock, Arkansas.

The Respondents were represented by Mr. Rick Behring, Attorney at Law, Little Rock, Arkansas.

I. BACKGROUND

This matter comes before the Commission on a Motion to Dismiss filed by Respondents on May 30, 2025. No testimony was taken in the case. Claimant, who according to Commission records is *pro se*, failed to appear at the hearing.

The Claimant worked for the Respondent/Employer as a warehouse specialist. The date for Claimant's alleged injury was on January 10, 2024. She reported her injury to Respondent/Employer on the same day. Admitted into evidence was Respondents' Exhibit 1, pleadings and correspondence, consisting of 28 pages. I have also admitted into the record Commission's Exhibit 1, correspondence, pleadings, and return receipts, consisting of 6 pages, *as discussed infra*.

The record reflects on March 14, 2024, a Form AR-1 was filed in this case, purporting that Claimant was experiencing some pain in her left knee but was not sure how it occurred. She further stated that she woke up that morning with a sore knee. Respondents on March 18, 2024, filed a Form AR-2, denying compensability of Claimant's alleged injuries due to the lack of a specific incident. The Claimant next requested a full hearing on April 3, 2024. A prehearing questionnaire was sent to Claimant on June 18, 2024. Claimant's prehearing questionnaire was due July 8, 2024. The Claimant was granted additional time to turn in her prehearing questionnaire but failed to do so. As a result, the file was returned to general files on July 24, 2024.

The Claimant has taken no action towards the prosecution of her claim since her file was returned to general files. The Respondents next filed a Motion to Dismiss on May 30, 2025, requesting this claim be dismissed for a lack of prosecution. The Claimant was sent, certified and regular U.S. Mail, notice of the Motion to Dismiss from my office on June 4, 2025, to her last known address. The certified notice was claimed by Claimant on June 10, 2025. Claimant did not respond to the notice 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 8, 2025. The certified hearing notice was claimed by Claimant on July 15, 2025. The hearing took place on August 12, 2025. The Claimant did not show up to the hearing.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Therefore, after a thorough consideration of the facts, issues, the applicable law, and the evidentiary record, I hereby make the following findings of fact and conclusions of law:

1. The Commission has jurisdiction over this claim.

2. The Claimant and Respondents both had reasonable notice of the August 12, 2025, hearing.
3. Respondents have proven by the preponderance of the evidence that Claimant has failed to prosecute his claim under AWCC Rule 099.13 (now codified at 11 C.A.R. §25-110(d)).
4. The Respondents' Motion to Dismiss should be granted.
5. This claim is hereby dismissed without prejudice.

DISCUSSION

Consistent with 11 C.A.R. §25-110(d)), the Commission scheduled and conducted a hearing, with proper notice, on the Respondents' Motion to Dismiss. The certified hearing notice was claimed by Claimant on July 15, 2025. Respondent's counsel was present and argued the motion. Thus, I find by the preponderance of the evidence that reasonable notice was given to both parties.

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's filed was returned to general files on July 24, 2024. Since then, the Claimant has not taken steps to prosecute her claim, i.e. return prehearing questionnaire or comply with Respondents discovery request. 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 without prejudice.

IT IS SO ORDERED.

Steven Porch
Administrative Law Judge