

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION  
CLAIM NO. G807462**

**CARMALITH SNIDER,  
EMPLOYEE**

**CLAIMANT**

**ARKANSAS DEP'T OF CORRECTION/  
OUACHITA RIVER UNIT,  
EMPLOYER**

**RESPONDENT NO. 1**

**STATE OF ARKANSAS/  
PUBLIC EMPLOYEE CLAIMS DIVISION  
CARRIER/TPA**

**RESPONDENT NO. 1**

**ARKANSAS WORKERS' COMPENSATION COMMS'N,  
SPECIAL FUNDS DIVISION**

**RESPONDENT NO. 2**

**OPINION TO DISMISS WITHOUT PREJUDICE  
FILED FEBRUARY 14, 2025**

Hearing conducted on Thursday, February 13, 2025, before the Arkansas Workers' Compensation Commission (the Commission), Administrative Law Judge (ALJ) Mike Pickens, in El Dorado, Union County, Arkansas.

The claimant, Ms. Carmalith Snider, of Camden, Ouachita County, Arkansas, failed and/or refused to appear at the hearing.

Respondent No. 1 was represented by the Honorable Charles H. McLemore, State of Arkansas/Public Employee Claims Division (Respondent No. 1, or PECDD), Little Rock, Pulaski County, Arkansas.

Respondent No. 2, the Special Funds Division of the Arkansas Workers' Compensation Commission (Respondent No. 2, or the Special Funds Division), is represented by the Honorable Christy L. King, who waived her appearance at the hearing.

**STATEMENT OF THE CASE**

A hearing was conducted on Thursday, February 13, 2025, to determine whether this claim should be dismissed for lack of prosecution pursuant to *Ark. Code Ann.* § 11-9-702(a)(4) (2025 Lexis Replacement) and Commission Rule 099.13 (2025 Lexis Replacement).

The claimant herein previously was represented by counsel, the Honorable Laura Beth York of the Rainwater, Holt & Sexton law firm in Little Rock, Pulaski County, Arkansas. By unanimous order filed July 1, 2021, the Full Commission granted Ms. York's request to withdraw as the claimant's counsel. Thereafter, by motion filed with the Commission on October 4, 2024 (MTD), Respondent No. 1 requested this claim be dismissed for lack of prosecution pursuant to the aforementioned statute and Commission rule.

In compliance with the applicable law the claimant was provided due and legal notice of the Respondent No. 1's MTD, as well as the date, time, and location of the subject hearing. The claimant did not respond in writing to Respondent No. 1's motion in any way, and she failed and/or refused to appear at the subject hearing. Respondent No. 1's MTD contains an accurate recitation of the relevant facts, which I hereby incorporate by reference as set forth word-for-word herein. (Respondent No. 1's Exhibit 1 at 4-5; 1-10).

The record herein consists of the hearing transcript and any and all exhibits contained therein and attached thereto.

### **DISCUSSION**

Consistent with *Ark. Code Ann.* § 11-9-702(a)(4) (2025 Lexis Repl.), as well as our court of appeals' ruling in *Dillard vs. Benton County Sheriff's Office*, 87 Ark. App. 379, 192 S.W.3d 287 (Ark. App. 2004), the Commission scheduled and conducted a hearing on Respondent No. 1's MTD. Rather than recite a detailed analysis of the record, suffice it to say the preponderance of the evidence introduced at the hearing and contained in the record conclusively reveals the claimant has failed and/or refused to prosecute her claim at this time.

Therefore, after a thorough consideration of the facts, issues, the applicable law, representations of credible counsel, and other relevant matters of record, I hereby make the following:

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

1. The Commission has jurisdiction of this claim.
2. After having been mailed due and legal notice of Respondent No. 1's MTD without prejudice filed October 1, 2024, as well as notice of the date, time, and place of the subject hearing, the claimant failed and/or refused to respond in any way to the MTD, and she failed and/or refused to appear at the hearing. Therefore, the claimant is deemed to have waived her right to a hearing on Respondent No. 1's MTD.
3. Respondent No. 1's MTD without prejudice filed October 1, 2024, should be and hereby is GRANTED; and this claim is dismissed without prejudice to its refiling pursuant to the deadlines prescribed by *Ark. Code Ann.* Section 11-9-702(a) and (b), and Commission Rule 099.13.

This Order shall *not* be construed to prohibit the claimant, her attorney, any attorney she may retain in the future, or anyone acting legally and on her behalf from refiling the claim *if* it is refiled within the applicable time periods prescribed by *Ark. Code Ann.* § 11-9-702(a) and (b).

If they have not already done so, Respondent No. 1 hereby is ordered to pay the court reporter's invoice within twenty (20) days of their receipt thereof.

**IT IS SO ORDERED.**

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Mike Pickens  
Administrative Law Judge

MP/mp

