

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION
WCC NO. H305214**

**TINA THURMAN,
EMPLOYEE**

CLAIMANT

**GPM INVESTMENTS, LLC.,
EMPLOYER**

RESPONDENT

**ACE AMERICAN INSURANCE CO.,
CARRIER**

RESPONDENT

**HELMSMAN MANAGEMENT SERVICES, LLC,
TPA**

RESPONDENT

OPINION FILED APRIL 16, 2025

Hearing conducted on Friday, March 10, 2026, before the Arkansas Workers' Compensation Commission (the Commission), Administrative Law Judge (ALJ) Steven Porch, in Little Rock, Pulaski County, Arkansas.

The Claimant is *Pro Se*, of Quitman, Arkansas.

The Respondents were represented by Mr. Zachary F. Ryburn, Attorney at Law, Little Rock, Arkansas.

I. BACKGROUND

This matter comes before the Commission on a Motion to Dismiss filed by Respondents on January 6, 2026. A hearing on the motion was conducted on March 10, 2026, in Little Rock, Arkansas. Claimant, according to Commission file is *Pro Se*, failed to appear at the hearing.

The Claimant worked for the Respondent/Employer as an audit manager. The date for Claimant's alleged injury was on August 3, 2023. This incident was reported to the Respondent/Employer on August 8, 2023. Admitted into evidence was Respondents' Exhibit 1, pleadings, consisting of 3 pages, and Commission Ex. 1, U.S. Mail return receipts, consisting of 3 pages, *as discussed infra*.

The record reflects on August 15, 2023, a Form AR-1 was filed purporting that Claimant, while counting merchandise, moved a case of beverages and felt immediate pain in her back. On August 17, 2023, a Form AR-2 was filed neither disputing or accepting that Claimant was injured during the course and scope of employment. On September 12, 2023, a Form AR-C was filed by Claimants then-attorney, Laura Beth York, purporting that Claimant sustained an injury to her back and other whole body during a work incident.

On November 18, 2025, Claimant's counsel filed a Motion to Withdraw as Counsel. The Full Commission granted the motion on December 12, 2025. Respondents filed a motion to dismiss on January 6, 2026, for failure to prosecute. The Claimant was sent, on January 7, 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 22, 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. 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 4, 2026. The certified notice was not claimed as noted by the return of the certified letter to the Commission on February 25, 2026. The hearing notice sent regular First-Class was not returned to the Commission. The hearing was scheduled for March 10, 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 10, 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 not claimed by Claimant. The notice sent regular U.S. Mail was not returned to the Commission. The Claimant is responsible for keeping the Commission apprised of her current

address. The Claimant did not do that. Nevertheless, sending notices to the last known address of record is reasonable. 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 September 12, 2023, 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