BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO.: H606580

SAKAYLA K. WILLIAMS,
EMPLOYEE CLAIMANT

TYSON POULTRY, INC.,
EMPLOYER RESPONDENT

TYNET, INC.,
CARRIER/TPA RESPONDENT

OPINION FILED NOVEMBER 9, 2026

Hearing held before Administrative Law Judge Chandra L. Black, in Little Rock, Pulaski County, Arkansas.

Claimant, Pro Se, did not appear.

Respondents represented by the Honorable Jeremy Swearingen., Attorney at Law, Little Rock, Arkansas.

STATEMENT OF THE CASE

A hearing was held on November 3, 2026, in the present matter pursuant to *Dillard v. Benton County Sheriff's Office*, 87 Ark. App. 379, 192 S.W. 3d 287 (2004), to determine whether the above-referenced matter should be dismissed for failure to prosecute under the provisions of Ark. Code Ann. §11-9-702 (Repl. 2012) and Arkansas Workers' Compensation Commission Rule 099.13 (now codified at 11 C.A.R. § 25-110).

Appropriate notice of this hearing was tried on all parties to their last known address, in the manner prescribed by law.

The record consists of the transcript of the November 3, 2026, hearing and the documents contained therein. In that regard, Respondents' Exhibit 1 is a Hearing Exhibit encompassing seven numbered pages, and a cover sheet.

No testimony was taken.

## BACKGROUND

On October 14, 2026, the Claimant filed a Form AR-C alleging that she sustained a specific incident injury to her shoulder during and within the course and scope of her employment with respondent-employer, in June or August 2026.

The respondent-insurance-carrier filed a Form AR-2 with the Commission on October 16, 2026, wherein they controverted the compensability of the claim in its entirety.

It appears that the Claimant indicated to the Respondents' attorney that she was no longer interested in pursuing her workers' compensation claim.

Therefore, on October 29, 2026, the Respondents filed a Motion to Dismiss Without Prejudice for Want of Prosecution with the Commission, along with a Certificate of Service to the Claimant. Hence, the Respondents served a copy of the foregoing pleading on the Claimant by depositing a copy thereof, postage prepaid, in the United States Mail to her last known address on file with the Commission.

On that same day, the Claimant sent the following email to my office:

> I am writing to confirm that I have no objection to my claim being dismissed without prejudice. I do not wish to pursue the case any further at this time.

Also on that same day, my office mailed the Notice of Hearing to the parties. At that time, the case was set for a hearing on the Respondents' motion to dismiss, for November 3, 2026, at the Arkansas Workers' Compensation Commission's office in Little Rock, Arkansas. This Notice was sent to the Claimant via the United States Postal Service by way of both first-class and certified mail. The Notice sent first class mail has not been returned to the Commission.

A hearing was in fact held on the Respondents' motion for dismissal of this claim. The Claimant waived her appearance at the hearing. However, the Respondents appeared through their

attorney. Specifically, the Respondents moved that the claim be dismissed for a lack of prosecution. Counsel noted that the Claimant has asked that her claim be dismissed *without prejudice* and she has never made a bona fide request for a hearing since the filing of her claim. As such, counsel for the Respondents asked that the claim be dismissed *without prejudice* under the statutory provisions of Ark. Code Ann. §11-9-702 and the Commission's rule.

DISCUSSION

The statutory provisions and Commission Rule applicable in this claim are outlined below.

Specifically, Ark. Code Ann. §11-9-702(a)(4) provides:

> If within six (6) months after the filing of a claim for compensation, no bona fide request for a hearing has been made with respect to the claim, the claim may, upon motion and after hearing, be dismissed without prejudice to the refiling of the claim within the limitation periods specified in subdivisions (a)(1)-(3) of this section.

Ark. Code Ann. §11-9-702(d) reads:

> If within six (6) months after the filing of a claim for additional compensation, no bona fide request for a hearing has been made with respect to the claim, the claim may, upon motion and after hearing, if necessary, be dismissed without prejudice to the refiling of the claim within the limitation period specified in subsection (b) of this section.

Commission Rule 099.13 (now codified at 11 C.A.R. § 25-110) states:

> The Commission may, in its discretion, postpone or recess hearings at the instance of either party or on its own motion. No case set for hearing shall be postponed except by approval of the Commission or Administrative Law Judge.
>
> In the event neither party appears at the initial hearing, the case may be dismissed by the Commission or Administrative Law Judge, and such dismissal order will become final unless an appeal is timely taken therefrom or a proper motion to reopen is filed with the Commission within thirty (30) days from receipt of the order.

> 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. (Effective March 1, 1982)

My review of the evidence in this matter shows that the Claimant has failed to make a bona fide request for a hearing with respect to her claim for workers' compensation benefits. Hence, no probative action whatsoever has been put forth by the Claimant to resolve or otherwise pursue her claim. Most significantly, the Claimant has asked that her claim be dismissed *without prejudice*.

Considering all the foregoing evidence, I am compelled to conclude that currently he Claimant has abandoned her claim for workers' compensation benefits. Hence, the Claimant has failed to timely prosecute her claim. Moreover, the Claimant has indicated that she does not object to her claim being dismissed without prejudice. Therefore, based on all the aforementioned reasons, I find that the Respondents' motion to dismiss this claim to be well founded. Accordingly, pursuant to Commission Rule 099.13 (as codified at 11 C.A.R. §25-110), this claim is hereby respectfully dismissed for want of prosecution. Said dismissal is *without prejudice*, to the refiling of said claim within the limitation period specified by law.

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

Based on 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 Arkansas Workers' Compensation Commission has jurisdiction of this claim.

2. The Claimant filed a Form AR-C on October 14, 2026, alleging a work-related injury in June or August 2026. Since this time, she has not requested a hearing. She indicated to the Respondents' attorney that she does not wish to pursue her claim at this time.

3. Respondents filed a motion to dismiss this claim for workers' compensation benefits.

4. Appropriate Notice of the dismissal hearing was had on all parties to their last known address, in the manner prescribed by law.

5. The Claimant did not appear at the hearing to object to her claim being dismissed. In fact, she does not object to her claim being dismissed *without prejudice.*

6. The Respondents' motion to dismiss this claim for a lack of prosecution is hereby granted, pursuant to 11 C.A.R. §25-110, *without prejudice*, to the refiling of it within the limitation period specified by law.

## ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, I find that pursuant to 11 C.A.R. §25-110 (formerly Commission Rule 099.13), this claim is hereby respectfully dismissed, *without prejudice*, to the refiling of it within the limitation period specified by law.

**IT IS SO ORDERED**.

**CHANDRA L. BLACK**
**Administrative Law Judge**