BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION
WCC NO. H502463

TANJI L. WASHINGTON,
EMPLOYEE **CLAIMANT**

CITY OF WEST MEMPHIS,
SELF-INSURED EMPLOYER **RESPONDENT**

ARKANSAS MUNICIPAL LEAGUE,
TPA **RESPONDENT**

AMENDED OPINION FILED JULY 15, 2026

Hearing conducted on Friday, May 8, 2026, before the Arkansas Workers' Compensation Commission (the Commission), Administrative Law Judge (ALJ) Steven Porch, in Forrest City, St. Francis County, Arkansas.

The Claimant is Pro Se, Horn Lake, Mississippi.

The Respondents were represented by Ms. Mary K. Edwards, Attorney at Law, Little Rock, Arkansas.

I. BACKGROUND

This matter comes before the Commission on a Motion to Dismiss filed by Respondents on February 18, 2026. A hearing on the motion was conducted on May 8, 2026, in Forrest City, Arkansas. Claimant failed to appear at the hearing.

The Claimant worked for the Respondent/Employer as a police officer. The date for Claimant's alleged injury was on March 13, 2025. This incident was reported to the Respondent/Employer on the same day. Admitted into evidence was Respondents' Exhibit 1, pleadings, consisting of 10 pages, and Commission Ex. 1, U.S. Mail return receipts and correspondence, consisting of 14 pages, *as discussed infra*.

The record reflects on April 22, 2025, a Form AR-C was filed by Claimant's attorney, Mark Alan Peoples, purporting that Claimant sustained an injury to her right shoulder, left hand/wrist, right hand, and teeth. On May 6, 2025, a Form AR-1 was filed purporting that while Claimant was walking, she tripped and fell during foot patrol. On May 7, 2025, Respondents filed a Form AR-2 accepting the claim as compensable.

On May 24, 2025, Claimant's counsel filed a motion to be relieved as counsel of record. June 19, 2025, Claimant's counsel's motion was granted. Respondents filed a motion to dismiss on February 18, 2026, for failure to prosecute. The Claimant was sent, on March 5, 2026, notice of the Motion to Dismiss, via certified and regular U.S. Mail, to her last known address. The certified motion notice was claimed by Claimant as noted by the return of the certified return receipt dated March 13, 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 March 25, 2026. The certified notice was claimed as noted by the return receipt dated April 10, 2026. The hearing notice was also sent regular First-Class mail was not returned to the Commission. The hearing was scheduled for May 8, 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 May 8, 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 claimed by Claimant on March 28, 2026. Thus, I find by the preponderance of the evidence that the Claimant did receive reasonable notice of this motion to dismiss hearing date.

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 April 22, 2025, 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.

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STEVEN PORCH
Administrative Law Judge