BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION
WCC NO. H504692

ASHELI L. WILLIAMS,
EMPLOYEE **CLAIMANT**

HINO MOTORS MFG USA, INC.,
EMPLOYER **RESPONDENT**

FIRST LIBERTY INS. CORP.,
INSURANCE CARRIER/TPA **RESPONDENT**

OPINION FILED JULY 22, 2026

Hearing conducted on Tuesday, June 23, 2026, before the Arkansas Workers' Compensation Commission (the Commission), Administrative Law Judge (ALJ) Steven Porch, in Little Rock, Pulaski County, Arkansas.

The Claimant, Ms. Asheli L. Williams, *Pro Se*, of Hayti, Missouri, did not appear in person at the hearing.

The Respondents were represented by Mr. Michael Ryburn, Little Rock, Arkansas.

I. BACKGROUND

This matter comes before the Commission on a Motion to Dismiss filed by Respondents. A hearing on the motion was conducted on March 2, 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 a hiker/driver. The date for Claimant's alleged injury was on March 13, 2025. She reported her injury to Respondent/Employer on the same day. Admitted into evidence was Commission Exhibit 1, correspondence, pleadings, and certified mail receipts, consisting of 23 pages.

The record reflects on July 29, 2025, a Form AR-C was filed with the Commission purporting that Claimant injured her left shoulder after shoveling dirt. On August 21, 2025, a Form

AR-1 was filed with the Commission labeling the injury as a strain. On August 21, 2025, a Form AR-2 was filed by Respondents neither accepting nor denying compensability.

The Respondents filed a Motion to Dismiss on March 2, 2026, stating that the claim was accepted, however, since the filing of the Form AR-C, Claimant has failed to prosecute her claim. 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, per return receipt dated March 16, 2026. The Claimant objected to the motion in writing on March 26, 2026, and the motion was held in abeyance. The Prehearing Questionnaires and Preliminary Notices were sent to the parties on the same day as Claimant's objection. The deadline for the submission of these documents were April 15, 2026. The Claimant did not meet that deadline.

The Claimant made the Commission aware that she had moved from the address that was currently in her file on May 5, 2026. Prehearing documents were re-sent to Claimant at her new address in Hayti, Missouri with a new submission deadline date of May 15, 2026. The Claimant failed to meet that submission deadline date also. On May 20, 2026, the Claimant was again made aware that she failed to submit the prehearing documents. The Claimant was advised that we may send the file back to general files or move forward with the Motion to Dismiss. The Claimant had not objection to moving forward with the dismissal hearing nor the dismissal itself.

Thus, in accordance with applicable Arkansas law, the Claimant was sent notice of Respondents' Motion to Dismiss hearing date on May 21, 2026. The Claimant received the certified notice on May 26, 2026, per the return receipt, dated June 1, 2026. The hearing took place on June 23, 2026.

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 June 23, 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

AWCC 099.13 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. Claimant did receive the motion hearing date, per certified return receipt. 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. Claimant has failed to request a bona fide hearing since the filing of her Form AR-C. 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