

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION  
CLAIM NO. H304034**

**ATHENA C. HOLLAND,  
EMPLOYEE**

**CLAIMANT**

**TYSON POULTRY, INC.,  
EMPLOYER**

**RESPONDENT**

**TYSON POULTRY, INC./  
TYNET CORP.  
CARRIER/TPA**

**RESPONDENT**

**OPINION FILED SEPTEMBER 12, 2025,  
GRANTING RESPONDENTS' MOTION TO DISMISS WITHOUT PREJUDICE FILED  
JULY 18, 2025**

Hearing conducted on Thursday, September 11, 2025, before the Arkansas Workers' Compensation Commission (the Commission), Administrative Law Judge (ALJ) Mike Pickens, in El Dorado, Union County, Arkansas.

The claimant, Ms. Athena C. Holland, of Bryant, Saline County, Arkansas (formerly of Camden, Ouachita County, Arkansas) appeared pro se.

The respondents were represented by the Honorable J. Matthew Mauldin, Roberts Law Firm US, P.C., Little Rock, Pulaski County, Arkansas.

**STATEMENT OF THE CASE**

A hearing was conducted on Thursday, September 11, 2025, to determine whether this claim should be dismissed without prejudice pursuant to *Ark. Code Ann.* § 11-9-702(a)(4) (2025 Lexis Replacement) and 11 *C.A.R.* Section 25-110(d) (*Code of AR Regulations* 2025) (formerly cited as Commission Rule 099.13 (2025 Lexis Replacement)).

On Wednesday, October 2, 2024, this claim was the subject of a previous hearing wherein the Commission granted the claimant's request to voluntarily dismiss her claim to which the

respondents had no objection. (Commission Exhibit 1). The claimant appeared in person at hearing and testified under oath she wanted to voluntarily dismiss her claim. In an opinion filed October 3, 2024, the ALJ granted the claimant's request and dismissed the claim without prejudice. (Comms'n Ex. 2).

A little over two (2) months later, on December 6, 2024, the claimant refiled a Form AR-C. Thereafter, the claimant still persisted in her failure and/or refusal to comply with the ALJ's previous order to compel discovery filed June 4, 2024; she failed and/or refused to request a hearing; she failed and/or refused to take any action(s) pursue this claim. On July 18, 2025, the respondents filed a motion to dismiss with or without prejudice and brief in support thereof (MTD). (Respondents' Exhibits 1 and 2). In accordance with the applicable law the claimant was provided due and legal notice of both the respondents' MTD as well as the date, time, and place of the subject hearing.

The respondents' MTD filed July 18, 2025, contains a thorough and accurate statement of all the relevant facts herein. Therefore, I hereby incorporate by reference the facts as stated in paragraphs 1-19 of the respondents' MTD filed July 18, 2025, as if set forth word-for-word herein. (RX1 at 1-19).

In summary, the claimant testified under oath at the subject hearing that she had been too busy and had not been given sufficient time to pursue both her workers' compensation claim and her apparent Equal Employment Opportunity Commission (EEOC) and federal lawsuit against her former employer, Tyson Poultry, Inc. (Tyson). She also testified she had returned to work on at least two (2) occasions after her physician had released her to return to work following her compensable injury. She testified she was terminated for attendance problems, but that she believed she was actually terminated for other allegedly unlawful reasons which are the subject of

her apparent EEOC claim and federal lawsuit. She testified Tyson had offered her a job at some time after she was terminated, but she did not accept the job offer and instead apparently is pursuing an EEOC claim and federal lawsuit. The claimant testified she spent a great deal of time and effort trying to retain an attorney to represent her in this workers' compensation claim, but that no attorney would take her case. (Hearing Transcript).

The record herein consists of the transcripts of both the October 2, 2024, and September 11, 2025, MTD hearings, and any and all exhibits contained therein and attached thereto.

### **DISCUSSION**

Consistent with *Ark. Code Ann.* § 11-9-702(a)(4) (2025 Lexis Replacement), 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 the respondents' 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 either actively prosecute her claim or to request a hearing in the last six (6) months.

Furthermore – and significantly – the claimant has repeatedly failed and/or refused to cooperate in the discovery process as required by law and as she was specifically ordered to do in the ALJ's order to compel discovery filed June 4, 2024, **over one (1) year and three (3) months after the order was issued and filed.** This failure and/or refusal to comply with this fair, reasonable, and lawful Commission order in and of itself constitutes sufficient grounds to dismiss the claimant's claim for a second time. I find the claimant's testimony concerning why she has

failed and/or refused to cooperate in discovery and to comply with the ALJ's June 4, 2024, order to compel discovery to be rather incomprehensible and without merit.

Therefore, after a thorough consideration of the issues at bar, the applicable law as applied to the facts of this claim, and other relevant matters of record including the representations of credible counsel, I hereby make the following:

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

1. The Commission has jurisdiction of this claim.
2. The claimant has not requested a hearing within the last six (6) months and has taken no action(s) to raise any issues related to or to prosecute this claim.
3. The claimant has unjustifiably repeatedly failed and/or refused – and continues to fail and/or refuse – to cooperate in the discovery process and to comply with the ALJ's order to compel discovery filed June 4, 2024.
4. Therefore, the preponderance of the evidence compels the decision the respondents' MTD with or without prejudice filed June 9, 2025, 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 11 *C.A.R.* 25-110(d) (formerly cited as Commission Rule 099.13).

If they have not already done so, the respondents hereby are ordered to pay the court reporter's invoice within twenty (20) days of their receipt thereof.

**IT IS SO ORDERED.**

---

Mike Pickens  
Administrative Law Judge

MP/mp

