

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION
CLAIM NO. H306140**

**LINDA S. JOHNSON,
EMPLOYEE**

CLAIMANT

**MURPHY'S MARKET,
EMPLOYER**

RESPONDENT

**BRIDGEFIELD CASUALTY INS. CO./
SUMMIT CONSULTING, LLC
CARRIER/TPA**

RESPONDENT

**OPINION FILED JULY 15, 2025,
GRANTING RESPONDENTS' MOTION TO DISMISS WITHOUT PREJUDICE**

Hearing conducted on Thursday, July 10, 2025, before the Arkansas Workers' Compensation Commission (the Commission), Administrative Law Judge (ALJ) Mike Pickens, in El Dorado, Union County, Arkansas.

The claimant, Ms. Linda S. Johnson, pro se, of Stephens, Ouachita County, Arkansas, failed and/or refused to appear at the hearing.

The respondents were represented by the Honorable Jason Ryburn, Ryburn Law Firm, Little Rock, Pulaski County, Arkansas.

STATEMENT OF THE CASE

A hearing was conducted on Thursday, July 10, 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 Commission Rule 099.13 (2025 Lexis Replacement). On two (2) separate occasions the respondents filed with the Commission motions to dismiss this claim without prejudice for lack of prosecution (MTDs). The respondents filed the first motion on January 14, 2025, and the second on April 15, 2025. (Hearing Transcript; Respondents' Exhibit 2).

The claimant herein initially was represented by counsel, Mr. Gary Davis, of the Gary Davis law firm in Little Rock. Upon the claimant's attorney's motion and by order issued and filed on March 14, 2025, the ALJ granted the claimant's attorney's motion to withdraw as the claimant's attorney of record. (Commission's Exhibit 1). As mentioned above, immediately thereafter the respondents filed their second MTD with the Commission on April 15, 2025. (RX2).

The claimant was provided due and legal notice of the both of the respondents' MTDs, as well as the date, time, and place of the subject hearing; however, she failed and/or refused to file any response, via email or otherwise, or to respond to the MTD or hearing notice in any way. In fact the claimant has been nonresponsive and noncommunicative with either her attorney when she had one, and with the Commission.

The record herein consists of the hearing transcript and any and all exhibits contained therein and attached thereto. (Hearing Transcript; Comms'n Ex. 1; and Respondents' Exhibits 1 and 2).

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. She also has been totally nonresponsive and noncommunicative to bother her attorney when she was represented by him and with the Commission.

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. After having received due and legal notice of both the respondents' MTDs without prejudice filed with the Commission on January 14, 2025, and on April 15, 2025, as well as notice of the date, time, and place of the subject hearing; however, she failed and/or refused to respond and/or object to the respondents MTDs, or to take any steps to actively prosecute her claim. Therefore, the claimant is deemed to have waived her right to a hearing on the subject MTD.
3. The claimant has failed and/or refused to request a hearing within the last six (6) months.
4. Therefore, the preponderance of the evidence compels the decision the respondents' MTD without prejudice filed April 15, 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 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

Linda S. Johnson, AWCC No. H306140