

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION
CLAIM NO. H507544**

**ORLANDO M. JONES,
EMPLOYEE**

CLAIMANT

**HANKS FURNITURE, INC.,
EMPLOYER**

RESPONDENT

**TECHNOLOGY INS. CO./
AMTRUST NORTH AMERICA,
CARRIER/TPA**

RESPONDENT

OPINION FILED JUNE 25, 2026
GRANTING RESPONDENTS' MOTION TO DISMISS WITHOUT PREJUDICE

Hearing conducted on Wednesday, June 24, 2026, before the Arkansas Workers' Compensation Commission (the Commission), Administrative Law Judge (ALJ) Mike Pickens, in Little Rock, Pulaski County, Arkansas.

The claimant, Mr. Orlando M. Jones, pro se, of Little Rock, Pulaski County, Arkansas, failed and/or refused to appear at the hearing.

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

STATEMENT OF THE CASE

A hearing was conducted on June 24, 2026, 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 *CAR* Section 25-110(d) (2025 *Code of AR Regulations*), formerly cited as Commission Rule 099.13 (2025 Lexis Repl.)

On April 24, 2026, the respondents filed a motion to dismiss this claim without prejudice for lack of prosecution (MTD) with the Commission. (Respondents' Exhibit 1). 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; however, he failed and/or refused to either respond to the respondents' MTD in any way and/or refused to appear at the subject hearing.

The record herein consists of the hearing transcript and any and all exhibits contained therein or 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 filed April 24, 2026. 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 his claim or to request a hearing within the last six (6) months.

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' MTD without prejudice filed with the Commission on April 24, 2026, as well as due and legal notice of the date, time, and place of the subject hearing, the claimant failed and/or refused to respond to the MTD in any way and he failed and/or refused to appear at the subject hearing.
3. The claimant has not requested a hearing within the last six (6) months and has taken no steps to either raise or prosecute any issue(s) in this claim.
4. Therefore, the preponderance of the evidence compels the decision the respondents' MTD without prejudice filed April 24, 2026, 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 ***CAR*** Section 25-110(d) (2025 ***Code of AR Regulations***), 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

