BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION
CLAIM NO. H505794

MARGIE LONG,
EMPLOYEE **CLAIMANT**

EMMET EXPRESS, LLC,
EMPLOYER **RESPONDENT**

GREAT WEST CASUALTY CO./
CARRIER/TPA **RESPONDENT**

OPINION FILED AUGUST 31, 2026
GRANTING RESPONDENTS' MOTION TO DISMISS WITH PREJUDICE

Hearing conducted on Thursday, August 27, 2026, before the Arkansas Workers' Compensation Commission (the Commission), Administrative Law Judge (ALJ) Mike Pickens, in Texarkana, Miller County, Arkansas.

The claimant, Ms. Margie Long, pro se, of Quinlan, Hunt County, Texas, failed and/or refused to appear at the hearing.

The respondents were represented by the Honorable Eric Newkirk, Newkirk & Jones, Little Rock, Pulaski County, Arkansas.

STATEMENT OF THE CASE

A hearing was conducted on August 27, 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.)

The claimant initially was represented by an attorney, Ms. Sherri Arman, of the Lane, Muse, Arman & Pullen law firm in Hot Springs, Arkansas. At some point the claimant's attorney became aware the claimant already had filed a workers' compensation claim in Oklahoma based on both

the same alleged facts and alleged injury(ies) involved in the subject Arkansas claim. (Reporter's Hearing Transcript; Respondents' Exhibit 1 at 19-20). By order filed March 25, 2026, the Full Commission granted Ms. Arman leave to withdraw as the claimant's attorney of record in this claim. (Transcript; RX1 at 17-18; 22-23).

Thereafter, on May 27, 2026, the respondents filed with the Commission a motion to dismiss this claim for lack of prosecution and incorporated brief in support thereof (MTD) and served a copy of this MTD and brief upon the claimant. (RX1 at 1-6). The Commission provided the claimant due and legal notice of both the respondents' MTD as well as the date, time, and place of the subject hearing. (Commission Exhibits 1 and 2). Of course, since the claimant already had elected her jurisdiction by filing her workers' compensation claim in Oklahoma, she neither formally responded in writing, nor did she object in any way to the respondents' MTD to either the Commission or the respondents and she did not appear at the subject hearing. (Transcript).

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 May 27, 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 elected her jurisdiction by filing her workers' compensation claim in the State of Oklahoma and she has not objected to the respondents' MTD with or without

prejudice, nor has she actively prosecuted the subject claim or requested a hearing on any issue 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. The claimant has affirmatively elected the jurisdiction in which she desires and intends to prosecute her workers' compensation claim and that jurisdiction is the State of Oklahoma.

3. Consequently, after having received due and legal notice of both the respondents' MTD and brief in support thereof filed with the Commission on May 27, 2026, as well as due and legal notice of the date, time, and place of the subject hearing, the claimant did not respond to the MTD and she did not appear at the subject hearing.

4. Moreover, 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 Arkansas in this claim.

5. The preponderance of the evidence compels the decision the respondents' MTD filed May 27, 2026, should be and hereby is GRANTED *with prejudice* since the claimant has affirmatively chosen her jurisdiction and filed her claim in the State of Oklahoma. Therefore, this claim is dismissed *with prejudice* to its refiling pursuant to ***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 immediately upon their receipt thereof.

IT IS SO ORDERED.

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Mike Pickens
Administrative Law Judge

MP/mp