

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION**

**AWCC № H301367**

**DERICK MADDEN, EMPLOYEE**

**CLAIMANT**

**WELSPUN PIPES, INC. EMPLOYER**

**RESPONDENT**

**GENERAL CASUALTY CO. OF WL./SEDGWICK CLAIMS  
MANAGEMENT, CARRIER/TPA**

**RESPONDENT**

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**OPINION & ORDER FILED 29 JULY 2025**

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This matter was heard before Administrative Law Judge JayO. Howe in Little Rock, Arkansas, on 23 July 2025.

The *pro se* claimant appeared to object to the dismissal of his claim.

Ms. Lauren Spencer appeared on behalf of the respondents.

**STATEMENT OF THE CASE**

This case relates to an alleged injury on 21 December 2022. The hearing record consists of the transcript and two exhibits. Commission's Exhibit № 1 consisted of three pages. It included two USPS mailing receipts and the claimant's Form C. Respondents' Exhibit № 1 consisted of a copy of their Motion to Dismiss and supporting materials that were labeled as attachments "A" through "I."

On 28 February 2023, Ms. Furonda Brasfield filed a Form C on behalf of the claimant. The respondents filed their Motion to Dismiss this claim on 17 April 2025. On 29 May 2025, Ms. Brasfield advised my office that her representation of the claimant in this matter had ended. Then, on 17 June 2025, she filed a motion formally seeking to withdraw from representing the claimant in this matter.

The claimant appeared at the hearing and testified that he did not object to Ms.

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Brasfield being relieved as counsel. An order granting her motion requesting the same was filed on 24 July 2025.

The claimant also testified, however, that he did object to the dismissal of his claim. He offered that the basis for the respondent's motion appeared related to difficulties he had experienced in communicating with his lawyer. The claimant stated that he attempted to provide his attorney with the information necessary to proceed in litigating his claim. He requested some time to discuss his options for moving forward on the claim either on his own or with the assistance of another lawyer.

I explained from the bench that I intended to deny the respondents' request for a dismissal without prejudice. The parties exchanged up-to-date contact information with the understanding that the claimant would be expected to communicate with the respondents on any outstanding discovery matters. Should the claimant retain an attorney, he is to communicate the attorney's name and contact information immediately to the Commission and the respondents.

#### **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

After reviewing the record as a whole, 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 matter.
2. The parties were provided with reasonable notice of the Motion to Dismiss and the hearing on that motion.
3. The evidence preponderates that the claimant has not failed to prosecute his claim.
4. The Motion to Dismiss is denied without prejudice.

**ORDER**

The claimant is again advised that failing to communicate with the respondents may lead to a refiling of their motion for a dismissal. Based on the claimant's testimony that he has attempted to move forward with his claim and that he intends to cooperate with ongoing discovery efforts in prosecuting his claim, the respondents' motion is hereby denied without prejudice.

**IT IS SO ORDERED.**

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**JayO. Howe**  
**Administrative Law Judge**