

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION  
CLAIM NO. H109474**

**JOHN MEADORS,  
EMPLOYEE**

**CLAIMANT**

**PINNACLE RECORDS MG'T, LLC,  
EMPLOYER**

**RESPONDENT**

**ACCIDENT FUND GEN. INS. CO./  
ACCIDENT FUND INS. CO. OF AMERICA  
CARRIER/TPA**

**RESPONDENT**

**OPINION TO DISMISS WITHOUT PREJUDICE  
FILED JULY 19, 2024**

Hearing conducted on Tuesday, July 16, 2024, before the Arkansas Workers' Compensation Commission (the Commission), Administrative Law Judge (ALJ) Mike Pickens, in Little Rock, Pulaski County, Arkansas.

The claimant's attorney, the Honorable Daniel E. Wren, of Little Rock, Pulaski County, Arkansas, appeared at the hearing in connection with his motion to be relieved as the claimant's attorney.

The claimant, Mr. John Meadors, of Bradford, White County, Arkansas, failed and/or refused to attend the hearing.

The respondents were represented by the Honorable Erin Rambo, Ledbetter, Cogbill, Arnold & Harrison, LLP, Ft. Smith, Sebastian County, Arkansas.

**STATEMENT OF THE CASE**

A hearing was conducted on Tuesday, July 16, 2024, pursuant to the respondents' motion to dismiss without prejudice pursuant to *Ark. Code Ann.* § 11-9-702(a)(4) (2024 Lexis Replacement) and Commission Rule 099.13 (2024 Lexis Repl.).

The respondents filed a motion to dismiss without prejudice for lack of prosecution with the Commission. The claimant's attorney at the time, Daniel Wren of the Wren Law Firm (Mr. Wren) filed a response objecting to the respondents' motion; then soon thereafter also filed a motion to

withdraw as the claimant's counsel. Both the claimant's attorney's and the respondents' motion were heard and resolved at the subject hearing. The claimant's attorney and the claimant already had mutually *de facto* "split ways" well before the hearing date, which is what prompted the claimant's attorney to file with the Commission his motion to withdraw as the claimant's attorney. (See Hearing Transcript and attached Exhibits).

Pursuant to the applicable law the Commission mailed a copy of the respondents' motion to dismiss, as well as notice of the subject hearing to the claimant at his last known address of record on file with the Commission. The claimant was in fact mailed all of the aforementioned documents at his last known address of record; however; the claimant failed and/or refused to appear at the subject hearing. The claimant's attorney's motion to be relieved as counsel was granted via separate order.

The record herein consists of the hearing transcript and any and all exhibits contained therein and attached thereto.

### **DISCUSSION**

Consistent with *Ark. Code Ann.* § 11-9-702(a)(4), 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' motion to dismiss. 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 demonstrates the claimant has failed and/or refused to prosecute his claim.

Therefore, after a thorough consideration of the facts, issues, the applicable law, and other relevant matters of record, I hereby make the following:

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

1. The Commission has jurisdiction of this claim.
2. The claimant failed and/or refused to appear at the subject hearing. Therefore, he hereby is deemed to have waived his right to a hearing on the respondents' motion to dismiss.
3. The respondents' aforementioned motion to dismiss without prejudice filed April 3, 2024, 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.

This Order shall *not* be construed to prohibit the claimant, his attorney, any attorney he may retain in the future, or anyone acting legally and on his behalf from refiling this claim *if* it is refiled within the applicable time periods prescribed by *Ark. Code Ann.* § 11-9-702(a) and (b).

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.**

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Mike Pickens  
Administrative Law Judge

MP/mp