

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION
CLAIM NO.: H107730**

GARY NORRIS, Employee	CLAIMANT
CITY OF NORTH LITTLE ROCK, Self-Insured Employer	RESPONDENT
MUNICIPAL LEAGUE WORKERS' COMPENSATION PROGRAM , Carrier	RESPONDENT
ARKANSAS MUNICIPAL LEAGUE, TPA	RESPONDENT

OPINION AND ORDER FILED JULY 6, 2022

Hearing conducted before ADMINISTRATIVE LAW JUDGE TERRY DON LUCY, in Pulaski County, Arkansas.

Counsel for the Claimant: HONORABLE ANDY L. CALDWELL, Attorney at Law, Little Rock, Arkansas.

Counsel for the Respondents: HONORABLE CAROL L. WORLEY, Attorney at Law, Little Rock, Arkansas.

The above-captioned matter came on for a hearing on June 23, 2022, with respect to the Respondents' Motion to Dismiss originally filed on March 15, 2022. The Claimant and Counsel for the Respondents appeared for such, although Counsel for the Claimant did not. During the ensuing proceedings, Respondents' Exhibit No. 1 was introduced into the record. (TR 5-6)

Respondents' Exhibit No. 1, *inter alia*, reflects that the Claimant objected to the pending Motion via electronic communication sent to the Commission by his Counsel on May 12, 2022. (RX 1 at 21-22) During his testimony, *inter alia*, the Claimant essentially conceded that he did not fully understand why he was present at the scheduled hearing and that "Basically, I would just like to request another hearing." (TR 14) Also, it appears from the totality of Respondents' Exhibit No. 1 that they have experienced considerable difficulty in obtaining discovery responses from the Claimant's Counsel; however, there is no pending Motion to Compel. I further note that Counsel for the Claimant asked for this matter to be returned to the Commission's general

files, by way of electronic correspondence sent to the Commission on April 18, 2022, and that the Respondents shortly thereafter, on May 11, 2022, requested that their previously filed Motion to Dismiss be considered. (RX 1 at 16 and 20) During the hearing, the Respondents requested costs and fees with respect to their appearance in the event that their pending Motion was denied:

If it's going to be denied for whatever reason at this point and time, some two (2) requests later, we would ask for costs and fees associated with us having to be here today on the dismissal. And if we are going to move forward to a hearing, then we would ask that Claimant's counsel be required to identify specifically what issue or issues he deems appropriate to move forward with a hearing request. (TR 9-10)

Adjudication and Order

The Claimant appeared at the hearing in the absence of his Counsel, presented as a highly credible witness, and voiced his desire for an additional hearing, which I interpret to be a request for a hearing on the merits of his claim. Consequently, I respectfully deny the Respondents' Motion to Dismiss. In addition, given that the Respondents would have had to appear at the scheduled hearing upon their own Motion regardless of the circumstances, I respectfully decline their request for costs and fees associated with such.

The Respondents Motion to Dismiss is respectfully denied. This matter will be returned to the Commission's general files and no further action will be taken in the absence of an additional hearing request. The Respondents are ordered and directed to pay the court reporter's fee within thirty days of billing for such.

IT IS SO ORDERED.

TERRY DON LUCY
Administrative Law Judge