

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION
CLAIM NO. H108811**

**JULIE REVELS,
EMPLOYEE**

CLAIMANT

**MAGNET COVE ELEMENTARY SCHOOL,
EMPLOYER**

RESPONDENT

**ARKANSAS SCHOOL BDS. ASS'N
WORKERS' COMPENSATION TRUST/
ARK. SCHOOL BDS. ASS'N
CARRIER/TPA**

RESPONDENT

**OPINION FILED AUGUST 7, 2025,
GRANTING RESPONDENTS' MOTION TO DISMISS WITHOUT PREJUDICE**

Hearing conducted on Wednesday, August 6, 2025, before the Arkansas Workers' Compensation Commission (the Commission), Administrative Law Judge (ALJ) Mike Pickens, in Little Rock, Pulaski County, Arkansas.

The claimant is represented by the Honorable Gary Davis, Davis Law Firm, Little Rock, Pulaski County, Arkansas, who waived appearance at the hearing.

The respondents were represented by the Honorable Melissa Wood, Worley, Wood & Parrish, P.A., Little Rock, Pulaski County, Arkansas.

STATEMENT OF THE CASE

A hearing was conducted on Wednesday, August 5, 2025, to determine whether this claim should be dismissed without prejudice pursuant to *Ark. Code Ann.* § 11-9-702(a)(4) (2025 Lexis Replacement) and Commission Rule 099.13 (2025 Lexis Replacement). This case has been the subject of a prior hearing and appeal to the Full Commission. In an opinion filed July 16, 2024, the ALJ ruled in the claimant's favor on the sole issue of her entitlement to an 11% permanent

anatomical impairment rating for her admittedly compensable right shoulder injury. The Full Commission affirmed the ALJ's opinion in its own opinion filed December 16, 2024.

The claimant herein has been and remains represented by counsel, Mr. Gary Davis, of the Gary Davis Law Firm in Little Rock. The respondents filed a motion to dismiss this claim without prejudice for lack of prosecution (MTD) on June 18, 2025. (Respondents' Exhibit 1 at 4-5). Both the claimant and her attorney of record were provided due and legal notice of both the respondents' MTD as well as the date, time, and place of the subject hearing. (Commission Exhibit 1). In an email to the Commission dated June 24, 2025, the claimant's attorney's office advised the ALJ the claimant had no objection to the respondents' MTD without prejudice. (Commission Exhibit 2; RX1 at 6).

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) (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. 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 her claim or to request a hearing in the last six (6) months. And, significantly, she has advised the Commission through her attorney that she does not oppose the respondents' MTD without prejudice filed June 18, 2025.

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 June 14, 2025, as well as due and legal notice of the date, time, and place of the subject hearing, the claimant advised the Commission in writing through her attorney's office that she does not oppose the subject MTD.
3. The claimant has not requested a hearing within the last six (6) months, and has taken no steps to raise or prosecute any further issues in this claim.
4. Therefore, the preponderance of the evidence compels the decision the respondents' MTD without prejudice filed June 18, 2025, 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.

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

