

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION
CLAIM NO. H405441**

**WILLIAM K. WALLIS,
EMPLOYEE**

CLAIMANT

**GEORGIA PACIFIC, LLC,
EMPLOYER**

RESPONDENT

**OLD REPUBLIC INS. CO./
ESIS, INC.
CARRIER/TPA**

RESPONDENT

**OPINION FILED SEPTEMBER 19, 2025,
GRANTING RESPONDENTS' MOTION TO DISMISS WITHOUT PREJUDICE**

Hearing conducted on Thursday, September 18, 2025, before the Arkansas Workers' Compensation Commission (the Commission), Administrative Law Judge (ALJ) Mike Pickens, in Monticello, Drew County, Arkansas.

The claimant is represented by the Honorable Kenneth A. Olsen, Olsen Law Firm, LTD, Bryant, Saline County, Arkansas, who waived appearance at the hearing.

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

STATEMENT OF THE CASE

A hearing was conducted on Thursday, September 18, 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 11 *C.A.R.* Section 25-110(d) (*Code of AR Regulations* 2025) (formerly cited as Commission Rule 099.13 (2025 Lexis Replacement)).

The respondents filed a motion to dismiss this claim without prejudice for lack of prosecution and brief in support (MTD) on April 23, 2025. (Respondents' Exhibit 1 at 3-5). In accordance with

the applicable law both the claimant and his attorney provided due and legal notice of both the respondents' MTD as well as the date, time, and place of the MTD hearing which the claimant received on August 5, 2025. (Commission Exhibit 1). Thereafter, the claimant's attorney sent a letter to the Commission dated August 11, 2025, advising on the claimant's behalf that he did not object to the respondents' MTD and waiving his appearance at the subject hearing. (Comms'n Ex. 2; RX1 at 8).

The respondents' MTD and brief in support thereof contains a thorough and accurate recitation of all the relevant facts; therefore, I hereby incorporate by reference the relevant facts in this opinion as if set forth word-for-word herein. (RX1 at 3-5).

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 his claim, or to request a hearing within the last six (6) months and that he does not object to the respondents' MTD.

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 and brief in support filed with the Commission on April 23, 2025, as well as due and legal notice of the date, time, and place of the subject hearing, the claimant's attorney advised on the claimant's behalf that he did not object to the MTD and he waived appearance at the subject hearing.
3. The claimant has not requested a hearing within the last six (6) months and has taken no action(s) to raise any issues related to or to prosecute this claim.
4. Therefore, the preponderance of the evidence compels the decision the respondents' MTD without prejudice filed April 23, 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 11 *C.A.R.* 25-110(d) (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 within twenty (20) days of their receipt thereof.

IT IS SO ORDERED.

Mike Pickens
Administrative Law Judge

MP/mp

William K. Wallis, AWCC No. H405441