

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION  
CLAIM NO. G503610 & G802104**

**ARTHERIA WILLIAMS,  
EMPLOYEE**

**CLAIMANT**

**CENTRAL ARKANSAS TRANSIT AUTHORITY,  
EMPLOYER**

**RESPONDENT**

**ARKANSAS TRANS. ASS'N  
WORKERS' COMPENSATION  
SELF-INSURANCE TRUST.,  
INSURANCE CARRIER/TPA**

**RESPONDENT**

**OPINION AND ORDER TO DISMISS WITHOUT PREJUDICE  
FILED JANUARY 13, 2020**

Hearing conducted on Wednesday, January 13, 2021, 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 Mr. James W. Stanley, Jr., Stanley Law Firm, Little Rock, Pulaski County, Arkansas, who waived appearance at the hearing.

The respondents were represented by Ms. Karen H. McKinney, Barber Law Firm, Little Rock, Pulaski County, Arkansas.

**STATEMENT OF THE CASE**

A hearing was conducted on January 13, 2021, to determine whether both the above-styled claims should be dismissed for lack of prosecution pursuant to *Ark. Code Ann.* § 11-9-702(a)(4) (2020 Lexis Replacement) and Commission Rule 099.13 (2020 Lexis Replacement). The respondents filed motions to dismiss for lack of prosecution with the Commission on December 2, 2020, requesting both of the above-styled claims be dismissed without prejudice for lack of prosecution. In accordance with the applicable Arkansas law, the claimant and his attorney were mailed and received due and legal notice of the respondents' motion to dismiss, as well as a copy of the hearing notice, via United States Postal Service (USPS) First Class Certified Mail, Return

Receipt Requested. Via an email dated December 14, 2020, the claimant's attorney, Mr. James W. Stanley, Jr., did not object to the respondents' motion, and waived appearance at the hearing. (Commission's Exhibit A).

The record herein consists of the hearing transcript and any and all exhibits contained therein and attached thereto, as well as the Commission's entire files in both of the above-styled claims.

### **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' motions 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 conclusively reveals the claimant has failed and/or refused to prosecute his claims.

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. After having received due and legal notice of the respondents' motion to dismiss, as well as notice of the hearing via USPS First Class Certified Mail, Return Receipt Requested, the claimant's attorney of record did not object to the motion, and specifically waived appearance at the hearing.
3. The preponderance of the evidence of record reveals the claimant has to date failed and/or refused to prosecute his claims.
4. Therefore, the respondents' motions to dismiss without prejudice filed December 2, 2020, are GRANTED; and both of the above-styled claims hereby are dismissed without prejudice to their refiling pursuant to the deadlines prescribed by *Ark. Code Ann.* § 11-9-702(a) and (b), and Commission Rule 099.13.

This opinion and 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 either or both of the above-styled claims *if* it/they is/are refiled within the applicable time periods prescribed by *Ark. Code Ann.* § 11-9-702(a) and (b).

The respondents hereby are ordered to pay the court reporter's invoice within twenty (20) days of its receipt thereof.

**IT IS SO ORDERED.**

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Mike Pickens  
Administrative Law Judge

MP/mp