

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION**

**AWCC FILE No G708582**

**LINDA K. BRADLEY, EMPLOYEE**

**CLAIMANT**

**PINE BLUFF SCHOOL DIST., EMPLOYER**

**RESPONDENT**

**AR SCHOOL BOARDS ASSOC. WCT, CARRIER/TPA**

**RESPONDENT NO. 1**

**DEATH & PERMANENT TOTAL  
DISABILITY TRUST FUND,**

**RESPONDENT NO. 2**

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**OPINION FILED 13 SEPTEMBER 2024**

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Heard before Arkansas Workers' Compensation Commission (AWCC) Administrative Law Judge JayO. Howe on 12 September 2024 in Pine Bluff, Arkansas.

The claimant appeared *pro se*.

Worley, Wood & Parrish, PA, Ms. Melissa Wood, appeared on behalf of the respondents.

**STATEMENT OF THE CASE**

A hearing on the respondents' Motion to Dismiss was held on this matter in Pine Bluff, Arkansas, on 12 September 2024. This case relates to a workplace injury, sustained on or about 4 December 2017. A Full Hearing was conducted on 10 August 2023, addressing some of the benefits requested by the claimant. A 17 November 2023 Opinion denied and dismissed those claims, and the Full Commission adopted and affirmed that decision on 12 April 2024.

On 28 May 2024, the respondents requested a dismissal of the remaining claims for benefits in this matter for failure to prosecute the claim. It was noted on the record that the claimant's previous counsel was relieved by the Full Commission on 23 May 2024. In a letter dated 11 June 2024 and filed on 14 June 2024, the claimant objected to the dismissal of her remaining claims. A hearing was then set for 12 September 2024.

The parties appeared at the appointed time and discussed the matter's current footing and the respondents' motion. The claimant stated that, as indicated in her letter, she intends to move forward with the remaining claims for benefits that are possibly available to her. She would like to seek the advice of counsel before moving forward on her own, but she understands that she has the right to proceed on her own behalf.

Ark. Code Ann. § 11-9-702(a)(4) states that a matter *may* be dismissed without prejudice after six months without a bona fide request for a hearing. Our Rule 99.13 similarly provides for a dismissal for failure to prosecute an action upon application by either party. Based on the record, the available evidence, and the arguments of the parties, I find that the respondents' Motion to Dismiss should be denied without prejudice at this time.

**ORDER**

The Motion to Dismiss is DENIED WITHOUT PREJUDICE. This matter will move towards litigating the benefits that may remain available to the claimant. As discussed at the hearing, the claimant wishes to seek new representation to assist in her prosecution of her remaining claims. If she retains counsel, that should be communicated to Ms. Wood as soon as possible. The parties should be prepared to confer within 30 days of the entry of this Order so that scheduling and other prehearing matters may be addressed.

**SO ORDERED.**

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JAYO. HOWE  
ADMINISTRATIVE LAW JUDGE