

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION
CLAIM NO. H304034**

**ATHENA C. HOLLAND,
EMPLOYEE**

CLAIMANT

**TYSON POULTRY, INC.,
SELF-INSURED EMPLOYER**

RESPONDENT

**TYSON POULTRY, INC./
TYNET CORP.
CARRIER/TPA**

RESPONDENT

**OPINION FILED OCTOBER 3, 2024, GRANTING THE CLAIMANT'S MOTION TO
DISMISS WITHOUT PREJUDICE**

Hearing conducted on Wednesday, October 2, 2024, before the Arkansas Workers' Compensation Commission (the Commission), Administrative Law Judge (ALJ) Mike Pickens, at the claimant's request in Little Rock, Pulaski County, Arkansas.

The claimant, Ms. Athena C. Holland, pro se, of Camden, Ouachita County, Arkansas, appeared in person at the hearing.

The respondents were represented by the Honorable J. Matthew Mauldin, The Roberts Law Firm U.S., P.C., Little Rock, Pulaski County, Arkansas.

STATEMENT OF THE CASE

A hearing was conducted on Wednesday, October 2, 2024, to determine whether this claim should be dismissed based upon the claimant's own, voluntary request for a dismissal without prejudice pursuant to *Ark. Code Ann.* § 11-9-702(a)(4) (2024 Lexis Replacement) and Commission Rule 099.13 (2024 Lexis Replacement).

On August 8, 2024, the claimant filed with the Commission a motion to dismiss her claim without prejudice (MTD). (Claimant's Exhibit 1). Thereafter, pursuant to the applicable law both the claimant and the respondent were provided due and legal notice of both the claimant's MTD, as well as notice of the subject hearing to the parties' last known addresses on record with the

Commission, the receipt of which both parties have acknowledged by their appearance at and participation in the subject hearing. The claimant appeared in person at the hearing and explained that because she currently is pursuing a claim against her employer in another forum and/or other fora, she voluntarily and of her own initiative requests her claim be dismissed without prejudice at this time.

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) (2024 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 claimant's voluntary 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 does not intend nor desire to prosecute her claim at this time.

Therefore, after a thorough consideration of the applicable law as applied to the facts of this claim, the issues, and other relevant matters of record, as well as the claimant's representations and/or testimony, 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 claimant's voluntary motion to dismiss without prejudice filed with the Commission on August 8, 2024, as well as notice of the subject hearing date, time, and place, the claimant appeared in person at the hearing and affirmed she wished to voluntarily and of her own initiative dismiss her claim without prejudice at this time.

3. The preponderance of the evidence compels the decision that the claimant's subject motion to dismiss without prejudice filed August 8, 2024, should be and hereby is GRANTED; and this claim hereby 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

MP/mp