

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION
CLAIM NO. H405370**

**PIERRE MEAD,
EMPLOYEE**

CLAIMANT

**CITY OF LITTLE ROCK,
EMPLOYER**

RESPONDENT

**CITY OF LITTLE ROCK/
RISK MG'T RESOURCES, INC.
CARRIER/TPA**

RESPONDENT

**OPINION FILED APRIL 30, 2025, GRANTING RESPONDENTS' MOTION TO
DISMISS WITHOUT PREJUDICE**

Hearing conducted on Wednesday, April 30, 2025, before the Arkansas Workers' Compensation Commission (the Commission), Administrative Law Judge (ALJ) Mike Pickens, in Little Rock, Pulaski County, Arkansas.

The claimant, Mr. Pierre Mead, pro se, of Little Rock, Pulaski County, Arkansas, failed and/or refused to appear at the hearing.

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

STATEMENT OF THE CASE

A hearing was conducted on Wednesday, April 30, 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).

The claimant initially was represented by counsel, Mr. Mark Peoples of The Peoples Law Firm of Little Rock, in this claim. By unanimous Full Commission order issued and filed on October 31, 2024, the Commission granted the claimant's attorney's motion to be dismissed as the claimant's attorney of record. (Respondents' Exhibit 1 at 7).

Thereafter, on February 21, 2025, the respondents filed with the Commission a motion to dismiss this claim without prejudice (MTD). (RX1 at 8-9). Pursuant to the applicable law the Commission provided the claimant due and legal notice of both the respondents' MTD as well as notice of the subject hearing, which he received via the United States Postal Service (USPS), Certified Mail, Return Receipt Requested. (Commission's Exhibit 1). The claimant failed and/or refused to respond to the respondents' motion in any way, and he failed and/or refused to appear at the subject hearing. (RX1 at 10-11; 1-11).

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 has neither taken any steps to pursue his claim, nor has he requested a hearing on his claim within the last six (6) months. Also, respondents' counsel advised the court that when she took the claimant's discovery deposition in October 2024, he testified he had in fact returned to work for the respondent-employer herein, the City of Little Rock.

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 the respondents' MTD with or without prejudice and brief in support thereof filed with the Commission on February 21, 2025, as well as notice of the subject hearing date, time, and place, the claimant failed and/or refused to respond to the respondents' MTD in any way, and he failed and/or refused to appear at the subject hearing.
3. The claimant has failed and/or refused to either prosecute his claim, or to request a hearing on his claim within the last six (6) months.
4. Therefore, the un rebutted preponderance of the evidence compels the decision the respondents' MTD without prejudice filed February 21, 2025, 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

