

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION
CLAIM NO. H402843**

**BRENDA K. POWELL,
EMPLOYEE**

CLAIMANT

**AMAZON.COM, INC.,
EMPLOYER**

RESPONDENT

**AMERICAN ZURICH INS. CO./
SEDGWICK CLAIMS MG'T SERVICES, INC.
CARRIER/TPA**

RESPONDENT

**OPINION FILED APRIL 16, 2025, GRANTING RESPONDENTS' MOTION TO
DISMISS WITHOUT PREJUDICE**

Hearing conducted on Wednesday, April 16, 2025, before the Arkansas Workers' Compensation Commission (the Commission), Administrative Law Judge (ALJ) Mike Pickens, in Little Rock, Pulaski County, Arkansas.

The claimant, Ms. Brenda K. Powell, pro se, of Little Rock, Pulaski County, Arkansas, failed and/or refused to appear at the hearing.

The respondents were represented by the Honorable David C. Jones, Newkirk & Jones, Little Rock, Pulaski County, Arkansas.

STATEMENT OF THE CASE

A hearing was conducted on Wednesday, April 16, 2025, to determine whether this claim should be dismissed without prejudice pursuant to **Ark. Code Ann.** § 11-9-702(a)(4) (202 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 August 7, 2024, the Commission granted the claimant's attorney's motion to be dismissed as the claimant's attorney of record. (Respondents' Exhibit 1 at 15).

Thereafter, on February 6, 2025, the respondents filed with the Commission a motion to dismiss this claim with or without prejudice (MTD) and brief in support thereof. 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. The claimant failed and/or refused to respond to the respondents' motion in any way, and she failed and/or refused to appear at the subject hearing. (RX1 at 18-26; 1-30).

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 her claim, or to request a hearing on her claim within the last six (6) months.

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 6, 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 she failed and/or refused to appear at the subject hearing.

3. The claimant has failed and/or refused to either prosecute her claim, or to request a hearing on her claim within the last six (6) months.
4. Therefore, the un rebutted preponderance of the evidence compels the decision the respondents' MTD with or without prejudice filed February 6, 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

