BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION
CLAIM NO. H501192

DONNA BOHON,
EMPLOYEE **CLAIMANT**

UNITED PARCEL SERVICE, INC.,
EMPLOYER **RESPONDENT**

LIBERTY MUTUAL INS. CO./
LIBERTY MUTUAL INS. CORP.
CARRIER/TPA **RESPONDENT**

OPINION FILED AUGUST 31, 2026
GRANTING RESPONDENTS' MOTION TO DISMISS WITHOUT PREJUDICE

Hearing conducted on Thursday, August 27, 2026, before the Arkansas Workers' Compensation Commission (the Commission), Administrative Law Judge (ALJ) Mike Pickens, in Texarkana, Miller County, Arkansas.

The claimant, Ms. Donna Bohon, pro se, of Texarkana, Miller County, Arkansas, did not appear at the hearing.

The respondents were represented by the Honorable Michael C. Stiles (for the Honorable David C. Jones), Newkirk & Jones, Little Rock, Pulaski County, Arkansas.

STATEMENT OF THE CASE

A hearing was conducted on August 27, 2026, to determine whether this claim should be dismissed without prejudice pursuant to ***Ark. Code Ann.*** § 11-9-702(a)(4) (2025 Lexis Replacement) and 11 ***CAR*** Section 25-110(d) (2025 ***Code of AR Regulations***), formerly cited as Commission Rule 099.13 (2025 Lexis Repl.)

This claim was the subject of both an attempted but never consummated mediation as well as a prehearing teleconference. (Reporter's Hearing Transcript; Respondents' Exhibit 1 at 13; 14-17;

29-30). The prehearing teleconference resulted in a prehearing order filed November 5, 2025, setting the matter for a January 15, 2026, hearing on compensability of the claimant's alleged left shoulder injury and her entitlement, if any, to medical and indemnity benefits. (RX1 at 18-24). The claimant and the respondents eventually resolved the issues which were to be litigated at the hearing, and upon the parties' mutual request, the hearing was removed from the docket and the file returned to the Commission's open general files. (Transcript; RX1 at 31).

On June 26, 2026, the respondents filed with the Commission a motion to dismiss this claim with or without prejudice for lack of prosecution and incorporated brief (MTD) and served a copy of this MTD upon the claimant. (RX1 at 26-34; 35-36). The Commission provided the claimant due and legal notice of both the respondents' MTD as well as the date, time, and place of the subject hearing. (Commission Exhibit 1; RX1 at 38-39). Although she did not formally respond in writing to either the Commission or the respondents, according to respondents' credible counsel the claimant did in fact contact his office and advise his colleague she had no objection to the claim being dismissed without prejudice at this time, and she did not appear at the subject hearing. (Transcript; Commission Exhibit 1; RX1 at 38-39).

The record herein consists of the hearing transcript and any and all exhibits contained therein or attached thereto.

DISCUSSION

Consistent with ***Ark. Code Ann.***§ 11-9-702(a)(4) (2025 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 respondents' MTD filed June 26, 2026. Because I find the facts stated in the respondents' brief in

support of their MTD to be accurate, objective, and consistent with the documentary evidence of record, I hereby incorporate them by reference as if they were set forth word-for-word herein. And, 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 no objection to her claim being dismissed without prejudice at this time since the parties were able to amicably resolve the then-outstanding issues in her claim which were to be litigated at the aforementioned January 15, 2026, hearing. Consequently, the claimant has not taken any actions to prosecute her claim or to request a hearing 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 both the respondents' MTD with or without prejudice filed with the Commission on June 26, 2026, as well as due and legal notice of the date, time, and place of the subject hearing, the claimant advised respondents' counsel she did not object to her claim being dismissed without prejudice and, consequently, she did not formally respond in writing to the MTD and she did not appear at the subject hearing.

3. The claimant has not requested a hearing within the last six (6) months and has taken no steps to either raise or prosecute any additional issue(s) in this claim.

4. Therefore, the preponderance of the evidence compels the decision the respondents' MTD without prejudice filed June 26, 2026, should be and hereby is GRANTED; and this claim is dismissed without prejudice to its refiling pursuant to the deadlines prescribed by ***Ark. Code Ann.*** Section 11-9-702(a) and (b) and 11 ***CAR*** Section 25-110(d) (2025 ***Code of AR Regulations***), formerly cited as Commission Rule 099.13.

If they have not already done so, the respondents hereby are ordered to pay the court reporter's invoice immediately upon their receipt thereof.

IT IS SO ORDERED.

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Mike Pickens
Administrative Law Judge

MP/mp