

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

WCC NO. H404546

JACOB BURNS, Employee

CLAIMANT

UNITED PARCEL SERVICE, Employer

RESPONDENT

LM INS. CORP., Carrier

RESPONDENT

OPINION FILED JANUARY 22, 2026

Hearing before ADMINISTRATIVE LAW JUDGE ERIC PAUL WELLS, in Springdale, Washington County, Arkansas.

Claimant represented by EVELYN E. BROOKS, Attorney, Fayetteville, Arkansas; although not present at hearing.

Respondent represented by DAVID C. JONES, Attorney, Little Rock, Arkansas.

OPINION

This case comes on for review following a hearing on respondent's Motion to Dismiss.

On August 19, 2024, Evelyn Brooks, claimant's attorney, filed a Form AR-C requesting various compensation benefits in which the claimant alleged an injury to his left shoulder on or about July 10, 2024; however, no hearing was requested. No further action was taken in this claim.

On October 17, 2025, the respondents filed a Motion to Dismiss requesting that this claim be dismissed for lack of prosecution. A hearing was scheduled for December 9, 2025. Notice of that hearing was sent to the claimant by certified mail, return receipt requested on November 4, 2025. United States Postal Department records indicate that claimant received and signed for the notice on November 10, 2025.

Ms. Brooks indicated by email dated October 30, 2025, that she would waive his appearance at the hearing and further indicated that she had no objection to the Motion to Dismiss “without prejudice.”

Pursuant to 11 CAR §25-110(d) (previously codified as Commission Rule 099.13), the Commission may enter an order dismissing a claim for want of prosecution. After my review of the respondent’s Motion to Dismiss, Ms. Brooks’ response thereto she had no objection to the Motion to Dismiss without prejudice, and the claimant’s failure to appear at the scheduled hearing, as well as all other matters properly before the Commission, I find that claimant has failed to prosecute this claim. Therefore, this claim is dismissed without prejudice.

IT IS SO ORDERED.

**HONORABLE ERIC PAUL WELLS
ADMINISTRATIVE LAW JUDGE**