

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION
CLAIM NO. H401790**

**MICHAEL COLLINS, EMPLOYEE
VS.
10 ROADS EXPRESS, EMPLOYER**

**CLAIMANT

RESPONDENT**

**GALLAGHER BASSETT SERVICES, INC.,
THIRD PARTY ADMINISTRATOR**

RESPONDENT

OPINION AND ORDER FILED MARCH 18, 2026

A Hearing before Administrative Law Judge James D. Kennedy in Springdale, Arkansas, was held on March 4, 2026.

Claimant was represented by Ms. Evelyn Brooks of Fayetteville Arkansas.

Respondents were represented by Rick Behring, Jr., of Little Rock, Arkansas.

STATEMENT OF THE CASE

A hearing was held in the above styled matter on the 4th day of March 2026, in Springdale, Arkansas, on Respondent's Motion to Dismiss including an Incorporated Brief, for failure to prosecute pursuant to Arkansas Code Ann. §11-702 and Rule 099.13 of the Arkansas Workers' Compensation Commission, which has been renamed 11 C.A.R. §25-110(d). The Claimant appeared and testified on his own behalf at the time of the hearing and was represented by Ms. Evelyn Brooks.

The Claimant contended that he had not been released from his doctor's care, even though he had been placed at MMI at the present time. Additionally, the Claimant contended that his Respondent employer was unable to accommodate his work restrictions and although he had been able to find work, his income had been reduced significantly, and he was concerned about how long he would be able to work there. He further testified that the Respondent employer had actually closed and quit its business.

Before it closed the doors, Claimant testified that he was still employed by them, but was not working, due to the fact the Respondents were unable to accommodate his lifting restriction of 35 pounds. He was making \$30.00 an hour with the Respondent employer and is now making \$17.00 an hour with his current employer. He further testified that he is to return to his treating physician in about six months, and earlier if needed. Under cross examination, the Claimant admitted that he was not aware of anything that had not been paid by the Respondents up to the time of the hearing and that Respondents had even paid for his impairment rating.

The final contention by the Respondents was that the Claimant had failed to make a specific request for a hearing. The Claimant responded that he was still requesting ongoing medical treatment and for other additional benefits which he might be entitled to in the near future.

The Respondents filed a copy of the Form AR-2, a C Form, as well as a Motion to Dismiss which incorporated a Brief in Support of the motion, and the Notice of the Hearing. The Claimant filed a Response to the Motion to Dismiss which included medical.

ORDER

Pursuant to the above statement of the case, documents entered into the record, and statements by the Attorney for the Respondents and the Attorney for the Claimant, as well as the testimony of the Claimant, it is found that the Motion to Dismiss be denied at this time.

IT IS SO ORDERED.

JAMES D. KENNEDY
ADMINISTRATIVE LAW JUDGE