

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

WCC NO. H306079

LEONARDO DIAZ, Employee

CLAIMANT

SHEPARD CONSTRUCTION, LLCJC QUALITY FRAMING, INC.

RESPONDENT

LM INS. CORP., Carrier

RESPONDENT

OPINION FILED MARCH 11, 2026

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

Claimant not represented by counsel and not appearing at hearing.

Respondents represented by JASON M. RYBURN, Attorney at Law, Little Rock, Arkansas.

STATEMENT OF THE CASE

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

On January 27, 2024, the claimant's attorney, Mark Peoples, filed an AR-C requesting various compensation benefits which alleged injuries to the claimant's back, ribs, eye, leg and groin on or about September 9, 2023. On November 8, 2024, Mr. Peoples filed a Motion to Withdraw as Counsel and that motion was granted by the Full Commission by Order filed November 22, 2024. No further action was taken on this claim.

On November 21, 2025, the respondents filed a Motion to Dismiss requesting that this claim be dismissed for lack of prosecution. A hearing was scheduled for February 17, 2026. Notice of that hearing was sent to the claimant by certified mail, return receipt requested on January 7, 2026. That certified mail notice was returned to the Commission by the Post Office with a notation "Return to Sender. Unclaimed. Unable to Forward."

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 a review of the respondents' Motion to Dismiss, the claimant's lack of desire to pursue his claim, and his 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**