

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION  
WCC NO. H501531**

<b>QUENTIN JACKSON, EMPLOYEE</b>	<b>CLAIMANT</b>
<b>McDONALDS STORE 26966, SELF-INSURED EMPLOYER</b>	<b>RESPONDENT</b>
<b>RISK MGMT. RESOURCES, THIRD-PARTY ADM'R</b>	<b>RESPONDENT</b>

**OPINION FILED NOVEMBER 21, 2025**

Hearing before Chief Administrative Law Judge O. Milton Fine II on November 21, 2025, in Jonesboro, Craighead County, Arkansas.

Claimant, *pro se*, not appearing.

Respondents represented by Ms. Melissa Wood, Attorney at Law, Little Rock, Arkansas.

**I. BACKGROUND**

This matter comes before the Commission on the Motion to Dismiss by Respondents. A hearing on the motion was conducted on November 21, 2025, in Jonesboro, Arkansas. No testimony was taken in the case. Claimant, who according to Commission records is *pro se*, failed to appear at the hearing. Admitted into evidence were Commission Exhibit 1 and Respondents' Exhibit 1, pleadings, correspondence and forms related to this claim, consisting of eleven (11) and nine (9) pages (one (1) index page plus eight (8) pages of records), respectively. See Ark. Code Ann. § 11-9-705(a)(1) (Repl. 2012)(Commission must "conduct the hearing . . . in a manner which best ascertains the rights of the parties").

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The record reflects the following procedural history:

Per the First Report of Injury or Illness filed on March 11, 2025, Claimant purportedly suffered a seizure at work on February 27, 2025, causing him to fall onto the grill and burn his hands. According to the Form AR-2 that was filed on March 12, 2025, Respondents accepted the claim and paid medical and temporary total disability benefits pursuant thereto.

On March 20, 2025, Claimant filed a Form AR-C. Thereon, he checked boxes to indicated that he was seeking initial and additional benefits in the form of permanent partial disability benefits. In an email to the Commission on March 26, 2025, Rebecca Gwatney, the adjustor on the claim, confirmed that Respondents had “accepted this claim as a compensable burn to Mr. Jackson’s right and left hand[s].”

The record reflects that nothing further took place on the claim until September 23, 2025. On that date, Respondents’ counsel entered their appearance and filed the instant motion, asking for dismissal of the claim under 11 C.A.R. § 25-110(d) (formerly AWCC R. 099.13) and Ark. Code Ann. § 11-9-702 (Repl. 2012). The file was reassigned to me on September 25, 2025; and on September 26, 2025, my office wrote Claimant, asking for a response to the motion within 20 days. The letter was sent by first class and certified mail to the Paragould, Arkansas address for Claimant listed in the file and on his Form AR-C. While the certified letter was returned to the Commission, unclaimed, on October

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27, 2025, the first-class letter was not returned. Regardless, no response from Claimant to the motion was forthcoming.

On October 17, 2025, a hearing on the Motion to Dismiss was scheduled for November 21, 2025, at 10:30 a.m. at the Craighead County Courthouse in Jonesboro. The notice was sent to Claimant via first-class and certified mail to the same address as before. In this instance, the certified letter was claimed by Claimant on October 20, 2025, while the first-class letter was not returned.

The hearing on the Motion to Dismiss proceeded as scheduled. Again, Claimant failed to appear at the hearing. But Respondents appeared through counsel and argued for dismissal under the foregoing authorities.

## **II. FINDINGS OF FACT AND CONCLUSIONS OF LAW**

After reviewing the record as a whole, including documents and other matters properly before the Commission, the following Findings of Fact and Conclusions of Law are hereby made in accordance with Ark. Code Ann. § 11-9-704 (Repl. 2012):

1. The Arkansas Workers' Compensation Commission has jurisdiction over this matter.
2. The parties were provided reasonable notice of the Motion to Dismiss and of the hearing thereon.
3. The evidence preponderates that Claimant has failed to prosecute his claim under 11 C.A.R. § 25-110(d).

4. The Motion to Dismiss is hereby granted; this claim for additional benefits is hereby dismissed without prejudice under 11 C.A.R. § 25-110(d).

### **III. DISCUSSION**

11 C.A.R. § 25-110(d) (formerly AWCC R. 099.13) reads:

Upon meritorious application to the Commission from either party in an action pending before the Commission, requesting that the claim be dismissed for want of prosecution, the Commission may, upon reasonable notice to all parties, enter an order dismissing the claim for want of prosecution.

*See generally Johnson v. Triple T Foods*, 55 Ark. App. 83, 85, 929 S.W.2d 730 (1996).

As the moving party, Respondents under Ark. Code Ann. § 11-9-705(a)(3) (Repl. 2012) must prove their entitlement to the relief requested—dismissal of the claim—by a preponderance of the evidence. This standard means the evidence having greater weight or convincing force. *Barre v. Hoffman*, 2009 Ark. 373, 326 S.W.3d 415; *Smith v. Magnet Cove Barium Corp.*, 212 Ark. 491, 206 S.W.2d 442 (1947).

As shown by the evidence recounted above, (1) the parties were provided reasonable notice of the Motion to Dismiss and of the hearing thereon; and (2) Claimant has failed to pursue his claim because he has taken no further action in pursuit of it (including appearing at the November 21, 2025, hearing to argue against its dismissal) since the filing of his Form AR-C on March 20, 2025. Thus,

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the evidence preponderates that dismissal is warranted under § 25-110(d). It is so entered. Because of this finding, the argument under Ark. Code Ann. § 11-9-702 (Repl. 2012) is moot and will not be addressed.

That leaves the question of whether the dismissal of the claim should be with or without prejudice. The Commission possesses the authority to dismiss claims with prejudice. *Loosey v. Osmose Wood Preserving Co.*, 23 Ark. App. 137, 744 S.W.2d 402 (1988). The Commission and the appellate courts have expressed a preference for dismissals without prejudice. See *Professional Adjustment Bureau v. Strong*, 75 Ark. 249, 629 S.W.2d 284 (1982)). Respondents at the hearing asked for a dismissal without prejudice. Based on the foregoing, I agree and find that the dismissal of this claim should be and hereby is entered *without prejudice*.<sup>1</sup>

#### **IV. CONCLUSION**

In accordance with the Findings of Fact and Conclusions of Law set forth above, this claim for additional benefits is hereby dismissed *without prejudice*.

**IT IS SO ORDERED.**

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O. MILTON FINE II  
Chief Administrative Law Judge

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<sup>1</sup>“A dismissal ‘without prejudice’ allows a new [claim] to be brought on the same cause of action.” BLACK’S LAW DICTIONARY 825 (abridged 5<sup>th</sup> ed. 1983).