

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F309228

SHAUN BEST, EMPLOYEE CLAIMANT

McDONALD'S, EMPLOYER RESPONDENT NO. 1

AR McDONALD'S SELF-INSURED TRUST/
RISK MANAGEMENT RESOURCES, INC.,
INSURANCE CARRIER/TPA RESPONDENT NO. 1

SECOND INJURY FUND RESPONDENT NO. 2

OPINION FILED JULY 7, 2022

Upon review before the FULL COMMISSION in Little Rock, Pulaski County,
Arkansas.

Claimant appears *pro se*.

Respondents No. 1 represented by the HONORABLE CAROL LOCKARD
WORLEY, Attorney at Law, Little Rock, Arkansas.

Respondent No. 2 represented by the HONORABLE DAVID L. PAKE,
Attorney at Law, Little Rock, Arkansas.

Decision of Administrative Law Judge: Affirmed and Adopted.

OPINION AND ORDER

Claimant appeals an opinion and order of the Administrative
Law Judge filed March 15, 2022. In said order, the Administrative Law

Judge made the following findings of fact and conclusions of law:

1. The Commission has jurisdiction of the subject August 11, 2003, workers' compensation claim.

2. The Commission is without jurisdiction to issue an order requiring the Beaumont, Jefferson County, Texas school district, or any other appropriate authority in Texas (or, for that matter, in Arkansas) requiring them to employ the claimant as an elementary school teacher. This is not an issue that falls within the Commission's jurisdiction pursuant to **Ark. Code Ann.** Section 11-9-101, *et seq.*
3. The claimant did not timely prosecute the subject Arkansas workers' compensation claim after he filed the Form AR-C with the Commission on January 11, 2007. In addition, he did not and has not requested a hearing within the last six (6) months on any issue over which the Commission has jurisdiction.
4. Therefore, Respondent No. 1's motion to dismiss without prejudice filed with the Commission on January 26, 2022, 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.** § 11-9-702(a) and (b), and Commission Rule 099.13.

We have carefully conducted a *de novo* review of the entire record herein and it is our opinion that the Administrative Law Judge's decision is supported by a preponderance of the credible evidence, correctly applies the law, and should be affirmed. Specifically, we find from a preponderance of the evidence that the findings of fact made by the Administrative Law Judge are correct and they are, therefore, adopted by the Full Commission.

Therefore, we affirm and adopt the March 15, 2022 decision of the Administrative Law Judge, including all findings and conclusions therein, as the decision of the Full Commission on appeal.

IT IS SO ORDERED.

SCOTTY DALE DOUTHIT, Chairman

CHRISTOPHER L. PALMER, Commissioner

M. SCOTT WILLHITE, Commissioner