

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION  
CLAIM NO. F611339**

**CONNIE F. NANNEY,  
EMPLOYEE**

**CLAIMANT**

**UNITED PARCEL SERVICE, INC.,  
EMPLOYER**

**RESPONDENT**

**LIBERTY INS. CORP.,  
CARRIER/TPA**

**RESPONDENT**

**OPINION FILED JULY 29, 2025**

Hearing before Administrative Law Judge Steven Porch on June 11, 2025, in Little Rock, Pulaski County, Arkansas.

Claimant was Pro Se, Austin, Arkansas.

The Respondents were represented by Mr. David C. Jones, Attorney at Law, Little Rock, Arkansas.

**I. BACKGROUND**

This matter comes before the Commission on a Motion to Dismiss filed by Respondents on January 27, 2025. No testimony was taken in the case. Claimant, who according to Commission records is *pro se*, failed to appear at the hearing.

The Claimant worked for the Respondent/Employer as a package operations supervisor. The date for Claimant's alleged injury was on December 6, 2005. She reported her injury to Respondent/Employer on December 7, 2005. Admitted into evidence was Respondents' Exhibit 1, pleadings and correspondence, consisting of 112 pages; Respondents' Exhibit 2, Affidavit of Sandy Parrot, consisting of 1 page; Respondents' Exhibit 3, payment ledger, consisting of 14 pages. I have also admitted into the record Commission's Exhibit 1, correspondence, pleadings, and return receipts, consisting of 10 pages, *as discussed infra*.

The record reflects on October 12, 2006, a Form AR-1 was filed with the Commission purporting that Claimant was stepping up on a bulk van when her foot slipped on ball of hitch causing her to slip. On October 25, 2006, a Form AR-2 was filed in this case, denying the claim for lack of jurisdiction stating that the matter should be heard in Mississippi. Respondents on April 28, 2008, filed another Form AR-2, neither challenging nor confirming compensability of Claimant's alleged injuries. Despite this, Respondents filed Form AR-4 on January 30, 2024, demonstrating acceptance of compensability and the payment of benefits. The Respondents confirmed compensability during their oral argument.

The Respondents next filed a Motion to Dismiss on January 27, 2025, requesting this claim be dismissed for a lack of prosecution. The Claimant was sent, certified and regular U.S. Mail, notice of the Motion to Dismiss from my office on January 30, 2025, to her last known address. The certified notice was claimed by Claimant on February 3, 2025. Claimant did respond to the notice in writing requesting a hearing on her claim. I held the matter in abeyance and my office sent Claimant the prehearing questionnaires on March 13, 2025. The Claimant has not tendered the prehearing questionnaires. The Claimant received prehearing questionnaires on April 19, 2024, and again on March 13, 2025, and she has failed to complete either one of them.

Claimant contacted my office on April 21, 2025, and informed my assistant, Melanie Miller, that she wanted to drop her claim. Based on this phone call and Claimant's continued failure to submit the prehearing questionnaires, I reinstituted Respondent's Motion to Dismiss. Thus, in accordance with applicable Arkansas law, the Claimant was mailed due and proper legal notice of Respondents' Motion to Dismiss hearing date at her current address of record via the United States Postal Service (USPS), First Class Certified Mail, Return Receipt Requested, and regular First-

Class Mail, on May 1, 2025. The certified hearing notice was claimed by Claimant on May 15, 2025. The hearing took place on June 11, 2025. The Claimant did not show up to the hearing.

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

Therefore, after a thorough consideration of the facts, issues, the applicable law, and the evidentiary record, I hereby make the following findings of fact and conclusions of law:

1. The Commission has jurisdiction over this claim.
2. The Claimant and Respondents both had reasonable notice of the June 11, 2025, hearing.
3. Respondents have proven by the preponderance of the evidence that Claimant has failed to prosecute his claim under AWCC Rule 099.13.
4. The Respondents' Motion to Dismiss should be granted.
5. This claim is hereby dismissed without prejudice.

### **DISCUSSION**

Consistent with AWCC Rule 099.13, the Commission scheduled and conducted a hearing, with proper notice, on the Respondents' Motion to Dismiss. The certified hearing notice was claimed by Claimant on May 15, 2025. Respondent's counsel was present and argued the motion. Thus, I find by the preponderance of the evidence that reasonable notice was given to both parties.

AWCC Rule 099.13 allows the Commission, upon meritorious application, to dismiss an action pending before it due to a want of prosecution. The Claimant requested a hearing on February 20, 2025, and was sent prehearing questionnaires to be completed for a second time. Claimant has not turned in her prehearing information so a prehearing conference call could take place. To this date, the Claimant has not submitted her preliminary hearing documents. The Claimant also contacted my office and informed my assistant, Melanie Miller, that she wanted to

drop her claim on April 21, 2025. Taking these factors into consideration, it is clear the Claimant has failed to prosecute her claim. Therefore, I do find by the preponderance of the evidence that Claimant has failed to prosecute her claim. Thus, Respondents' Motion to Dismiss should be granted.

**CONCLUSION**

Based on the Findings of Fact and Conclusions of Law set forth above, Respondents' Motion to Dismiss is hereby granted without prejudice.

**IT IS SO ORDERED.**

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Steven Porch  
Administrative Law Judge