

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION**  
**CLAIM NO.: G409932**

WILLIAM JONES, Employee	CLAIMANT
ARKANSAS DEPT. OF CORRECTION, Self-Insured Employer	RESPONDENT NO. 1
PUBLIC EMPLOYEE CLAIMS DIVISION, Carrier/TPA	RESPONDENT NO. 1
DEATH & PERMANENT TOTAL DISABILITY TRUST FUND	RESPONDENT NO. 2

**OPINION AND ORDER FILED OCTOBER 19, 2022**

Hearing conducted before ADMINISTRATIVE LAW JUDGE TERRY DON LUCY, in Crittenden County, Arkansas.

Counsel for the Claimant: *pro se*.

Counsel for the Respondent: HONORABLE CHARLES H. MCLEMORE, Attorney at Law, Little Rock, Arkansas.

The above-captioned matter came on for a hearing on October 7, 2022, for the purpose of a full-hearing on the merits pursuant to a Pre-Hearing Order entered by the undersigned Administrative Law Judge on July 21, 2022; said Order noted that Respondent No. 2 had waived its appearance at the hearing and would defer to the outcome of litigation.

At the appointed time for the hearing, the Claimant was not present, nor did he appear during the ensuing proceedings and the Pre-Hearing Order of July 21, 2022, was introduced into the record without objection. Respondents No. 1's exhibits were likewise introduced into the record without objection, and the Commission's file in this matter was also deemed incorporated into the record by reference for purposes of this Opinion and Order, once again without objection.

In light of the Claimant's failure to appear for the full hearing, Counsel for Respondents No. 1 moved for dismissal on the record. The Commission's file reflects that notice of the scheduled full hearing was sent to the Claimant's last known address on July 21, 2022, by way of

certified and first-class mail from the Commission, and that the certified mailing was signed for at the Claimant's last known address on July 23, 2022. Consequently, the Respondents' Motion to Dismiss was granted without prejudice for lack of prosecution effective October 7, 2022, pursuant to Commission Rule 099.13.

Based on the foregoing discussion, I specifically find that the above-captioned matter should be, and hereby is, respectfully dismissed without prejudice effective October 7, 2022, pursuant to Commission Rule 099.13, specifically in light of the Claimant's failure to appear for a full hearing on the merits which he had requested and of which he obviously had sufficient notice. Respondents No. 1 are ordered and directed to pay the court reporter's fee within thirty days of billing for such pursuant to Commission Rule 099.20, if they have not already done so.

IT IS SO ORDERED.

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Hon. Terry Don Lucy  
ADMINISTRATIVE LAW JUDGE