

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION  
CLAIM NO.: H002995**

KIEFER S. LONG, Employee	CLAIMANT
GREENBRIER CENTRAL, LLC, Employer	RESPONDENT
SENTRY CASUALTY COMPANY., Carrier	RESPONDENT

**OPINION AND ORDER FILED APRIL 27, 2021**

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

Counsel for the Claimant: *pro se*.

Counsel for the Respondents: Honorable Jarrod S. Parrish; Attorney at Law, Little Rock, Arkansas.

The above-captioned matter came on for a hearing on April 23, 2021, with respect to the Respondents' Motion to Dismiss originally filed with the Commission on January 7, 2021.

When the hall was sounded at the appointed time for the hearing, the Claimant was not present for such, nor did he appear during the ensuing proceedings. Respondents' Exhibit No. 1 was subsequently introduced into the record without objection, and the Commission's file in this matter is deemed incorporated by reference into the record and for purposes of this Opinion and Order.

The Commission's file reflects that notice of the hearing was sent to the Claimant via certified and first-class mail dated April 5, 2021. Respondents' Exhibit No. 1 reflects that the Claimant received such notice on April 8, 2020. (RX 1 at 14) The Commission's file and Respondents' Exhibit No. 1 both reflect that the Claimant filed a Form AR-C in this matter on May 5, 2020, and there is no indication that a hearing on such has ever been requested. In addition, there is no indication that the Claimant herein has responded to or otherwise objected to the Respondents' pending Motion.

Given the Claimant's lack of objection to the Respondents' Motion, corresponding failure to appear at the hearing held on April 23, 2021, and apparent failure to request a hearing on the merits of his claim since May 5, 2020, I specifically find that the Claimant has failed to prosecute his claim and that dismissal thereof without prejudice is warranted pursuant to Ark. Code Ann. §11-9-702 and Commission Rule 099.13 for lack of prosecution, and hereby grant the Respondents' Motion.

The above-captioned matter is respectfully dismissed without prejudice effective April 23, 2021, and the Respondents are ordered and directed to pay the court reporter's fee within thirty days of billing for such.

IT IS SO ORDERED.

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TERRY DON LUCY  
Administrative Law Judge