

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION
AWCC CLAIM NO.: H004262**

SAM LONG, Employee	CLAIMANT
HINO MOTORS MANUFACTURING, USA, INC, Employer	RESPONDENT
SEMPO AMERICA INSURANCE COMPANY, Carrier	RESPONDENT

OPINION AND ORDER FILED DECEMBER 7, 2021

Hearing conducted before Administrative Law Judge Terry Don Lucy, in Crittenden County, Arkansas.

Counsel for the Claimant: Honorable Laura Beth York, Attorney at Law, Little Rock, Arkansas.

Counsel for the Respondents: Honorable Rick Behring, Jr.; Attorney at Law, Little Rock, Arkansas.

The above-captioned matter came on for a hearing on December 3, 2021, with respect to the Respondents' Motion to Dismiss filed with the Commission on October 20, 2021. When the hall was sounded at the appointed time for the hearing, neither the Claimant nor his Counsel were present for such, nor did either appear during the ensuing proceedings. The Commission's file in this matter was deemed incorporated by reference into the record without objection for purposes of this Opinion and Order, as was Respondents' Exhibit No. 1.

The Commission's file and Respondents' Exhibit No. 1 reflect that Counsel for the Claimant, via electronic mail sent to the Commission and opposing counsel on October 20, 2021, advised that the Claimant did not object to a dismissal without prejudice and that she would thus waive appearance at the hearing scheduled for December 3, 2021. The Commission's file and Respondents' Exhibit No. 1 also reflect that the Claimant filed a form AR-C in this matter on August 21, 2020, and has not requested a hearing on the merits of his claim since that date, a period in excess of six months. Consequently, given the Claimant's lack of objection to the Respondents' Motion to Dismiss and waiver of appearance in association with such, I

specifically find that the Respondents' Motion should be granted without prejudice.

Accordingly, the above-captioned matter is hereby respectfully dismissed without prejudice effective December 3, 2021, and the Respondents are ordered and directed to pay the court reporter's fee within thirty days of billing for such pursuant to Rule 099.20 of the Arkansas Workers' Compensation Commission.

This matter will be returned to the Commission's open general files and no further action will be taken unless the Clerk of the Commission is advised, in writing, of an additional hearing request.

IT IS SO ORDERED.

TERRY DON LUCY
Administrative Law Judge