

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION
AWCC CLAIM NO.: H007791

WILLIAM E. LONG, Employee	CLAIMANT
EXPRESS SERVICES, INC., Employer	RESPONDENT
NEW HAMPSHIRE INSURANCE CO., Carrier	RESPONDENT
AIG CLAIMS, INC., TPA	RESPONDENT

OPINION AND ORDER FILED OCTOBER 5, 2021

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

Counsel for the Claimant: *pro se*.

Counsel for the Respondents: Honorable Carol L. Worley and Honorable Melissa M. Wood; Attorneys at Law, Little Rock, Arkansas.

The above-captioned matter came on for a hearing on October 1, 2021, with respect to the Respondents' Motion to Dismiss filed with the Commission on August 10, 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 was deemed incorporated by reference into the record, also without objection, for purposes of this Opinion and Order.

The Commission's file reflects that notice of the Respondents' Motion was sent to the Claimant via certified and first-class mail from the Commission dated August 11, 2021, to his last known address, and that the Respondents took measures to properly serve the Claimant with their Motion. In addition, the Commission sent notice of the hearing to the Claimant to his last known address via certified and first-class mail dated September 2, 2021. By way of information received from the United States Postal Service and included in the Commission's file, it appears that the

Claimant signed for receipt of the hearing notice on September 7, 2021.

The Commission's file further reflects that the Claimant filed a Form AR-C in this matter on January 11, 2021, and has not requested a hearing on the merits of his claim since that date. 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 October 1, 2021, and apparent failure to request a hearing on the merits of his claim since January 11, 2021, I specifically find that the Claimant has failed to prosecute his claim in a timely manner and that dismissal thereof without prejudice is warranted pursuant to Commission Rule 099.13, and Ark. Code Ann. §11-9-702.

The above-captioned matter is respectfully dismissed without prejudice effective October 1, 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.

TERRY DON LUCY
Administrative Law Judge