

CCASE:
RANDY DAVIS V. PHEPLS DODGE
DDATE:
19890320
TTEXT:

Federal Mine Safety and Health Review Commission (F.M.S.H.R.C.)
Office of Administrative Law Judges

RANDY G. DAVIS,
COMPLAINANT

DISCRIMINATION PROCEEDING

Docket No. WEST 89-21-DM

v.

MD 88-38

PHELPS DODGE CORPORATION,
RESPONDENT

ORDER OF DISMISSAL

Before: Judge Morris

1. On October 21, 1988, Complainant Randy G. Davis filed his complaint of discrimination herein.

2. With his complaint he filed a note reading, in part, "We are in the process of looking for an attorney, we will supplement this appeal in the near future."

3. In January 1989 complainant, in a telephone call, told the judge that he desired to drop his case against respondent. The judge directed complainant to confirm his request in writing. No such written request was filed.

4. On February 6, 1989, the judge issued an order to show cause directing complainant to write to the judge and indicate whether he desired to pursue his claim. Further, the order indicated that if the judge received no correspondence he would dismiss the case.

5. The above order was served on complainant by certified mail and complainant has failed to comply with the order.

For the foregoing reasons, the complaint of discrimination filed herein is dismissed.

John J. Morris
Administrative Law Judge