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HAROLD CRUMLEY V. ANAMAX MINING
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Federal Mine Safety and Health Review Commission
Office of Administrative Law Judges

HAROLD CRUMLEY,
COMPLAINANT
v.

Complaint of Discharge, Discrimination
of Interference

ANAMAX MINING COMPANY,
RESPONDENT

Docket No. WEST 82-128-DM

Twin Buttes Mine

ORDER OF DISMISSAL

On September 15, 1982 a combined Notice of Hearing and Prehearing Order was issued by the undersigned and duplicate service by certified mail was attempted at Complainant's last known address. The envelopes containing said documents were returned unopened and marked presumably by postal authorities "not deliverable", "records searched, no address on file", "moved, left no address" and "unable to forward". Additional efforts were made to locate Complainant but without success.

Commission Rule 5(c), 29 CFR 2700.5(c), requires, and common sense dictates, that a party "promptly" give to the Commission "written notice" of "any change in address or business telephone number". It is apparent that Complainant has failed to comply with the requirements of said rule, thereby making further prosecution of this case impossible. Accordingly, I have no alternative but to dismiss this case for lack of prosecution.

Gary Melick
Assistant Chief Administrative Law Judge