

CCASE:  
BILL BURRIS V. CULLOR ROCK QUARRY  
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BILL BURRIS, : COMPENSATION PROCEEDING  
Complainant :  
v. : Docket No. CENT 92-228-CM  
: :  
CULLOR ROCK QUARRY, : Mine No. 23-01924  
Respondent :

ORDER OF DEFAULT  
ORDER OF DISMISSAL

Before: Judge Feldman

A hearing in the captioned matter was scheduled for November 5, 1992, in Joplin, Missouri. During the course of a September 17, 1992, telephone conversation with Mr. Tim Ragland, a co-complainant in this matter who has withdrawn his complaint for compensation, I was advised that Mr. Burris may no longer be interested in pursuing his complaint. Mr. Ragland also informed me that Mr. Burris did not have a telephone. In a letter dated October 1, 1992, I requested Mr. Burris to contact my office within ten days to inform me whether he still wished to proceed. I indicated that his failure to timely respond would be construed as an indication that he was no longer interested in prosecuting his compensation case.

Having failed to reply to my October 1, 1992, request, on October 13, 1992, I ordered Mr. Burris to show cause (explain why) in writing on or before October 19, 1992, why a default decision should not be issued dismissing with prejudice his complaint for compensation. The order was delivered via express mail.

Despite my repeated requests, the Mr. Burris has failed to convey that he is interested in prosecuting his complaint. ACCORDINGLY, judgement by default is hereby entered in favor of the respondent and the compensation complaint filed by Mr. Burris is DISMISSED with prejudice. Consequently, the hearing in this matter is canceled.

Jerold Feldman  
Administrative Law Judge  
(703) 756-5233

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Distribution:

Mr. Bill Burris, 1002 E. Berry Nevada, MO 64772  
(Certified Mail)

Mr. Bill Burris, 2123 W. Austin, Nevada, Missouri 64772  
(Certified Mail) (Old Address)

Cullor, Incorporated, 20th and Sidney, Ft. Scott, Kansas 66701  
(Certified Mail)

/vmy