

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

OFFICE OF ADMINISTRATIVE LAW JUDGES
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5203 LEESBURG PIKE
FALLS CHURCH, VIRGINIA 22041

June 29, 1995

LANCE A. PAUL, : DISCRIMINATION PROCEEDING
Complainant :
v. : Docket No. WEST 95-228-DM
: WE MD 95-04
NEWMONT GOLD COMPANY, :
Respondent : Gold Quarry
: Mine ID 26-00500

ORDER OF DISMISSAL

Before: Judge Feldman

This matter concerns a discrimination complaint filed by Lance A. Paul pursuant to Section 105(c)(3) of the Mine Safety and Health Act of 1977, 30 U.S.C. ' 815(c)(3). On May 23, 1995, a Notice of Hearing scheduling this case for trial on August 15, 1995, in Elko, Nevada was sent to Paul via certified mail at Paul's address of record. The notice was returned as unclaimed. The respondent has advised that Paul is now living on an Indian reservation in Nevada with his Native American spouse. However, Paul's address is unknown. Commission Rule 5(c), 29 C.F.R. ' 2700.5(c), requires a complainant to promptly notify the Commission and all parties of any change in address.

The respondent has filed a Motion to Dismiss Paul's complaint in view of the fact that his whereabouts are unknown. Issuance of an Order to Show Cause would serve no purpose given the absence of a valid forwarding address.

Accordingly, under the circumstances herein, the respondent's Motion to Dismiss **IS GRANTED**. Consequently, the hearing scheduled in this proceeding **IS CANCELED** and the above captioned discrimination complaint **IS DISMISSED** without prejudice. The complainant may reopen his discrimination complaint upon a showing of good cause.

Jerold Feldman
Administrative Law Judge

Distribution:

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