



Issue Date: 18 March 2004

CASE NO.: 2003-ERA-00020

*In the Matter of*

**CHARLES GOOLDY,**  
Complainant,

v.

**FLUOR HANFORD, INC.,**  
Respondent,

**RECOMMENDED DECISION AND ORDER OF DISMISSAL**

On July 16, 2003, the original Notice of Hearing and Pre-Trial Order were issued in this matter. This case was initially set for hearing December 12, 2003 in Kennewick, Washington

The Pre-Trial Order contained deadlines for each party (four weeks in advance of trial for Complainant or November 14, 2003) to submit pre-trial statements containing specific information including lists of Complainant's positions, legal arguments, exhibits, and witnesses as well as copies of exhibits themselves ("Pre-Trial Statement information").

Upon request of Complainant, an Order was issued on November 14, 2003, continuing the hearing in this case to March 25, 2004 at the same location subject to the same filing requirements of the original Pre-Trial Order (Complainant's filing of his pre-trial statement information was due four weeks in advance of trial or by *February 26, 2004*). Copies of both orders were sent by regular mail to Complainant, Charles Gooldy, and the formal record discloses that the letter was not returned to this office. No pre-hearing statement was received from Complainant.

On March 3, 2004, I issued an *Order to Show Cause*, directing Complainant to either comply with the pre-trial order in this case and file his pre-trial statement information on or before March 11, 2004 or show cause by the same date as to why this matter should not be dismissed as abandoned by Complainant for lack of prosecution and/or noncompliance with the Pre-Trial Order filing requirements. No response was received. A copy of the Order to Show Cause was sent by next-day overnight delivery to Complainant, Charles Gooldy, and the formal record discloses that the order was not returned to this office.

Accordingly, as Complainant has failed to provide information necessary to proceed to hearing in this matter and has failed to respond to two of my earlier orders, this case shall be **DISMISSED** for lack of prosecution.

**SO ORDERED.**

**A**

GERALD M. ETCHINGHAM  
Administrative Law Judge

At San Francisco, CA

**NOTICE:** This Recommended Decision and Order will automatically become the final order of the Secretary unless, pursuant to 29 C.F.R. 24.8, a petition for review is timely filed with the Administrative Review Board, U.S. Department of Labor, Room S-4309, Frances Perkins Building, 200 Constitution Ave., N W, Washington, D.C. 20210. Such a petition for review must be received by the Administrative Review Board within ten business days of the date of this Recommended Decision and Order, and shall be served on all parties and on the Chief Administrative Law Judge. See 29 C.F.R. 24.8 and 24.9, as amended by 63 Fed.Reg. 6614.

GME/dmr