



**Issue Date: 30 August 2017**

OALJ Case No.: 2016-STA-00071  
OSHA Case No.: 6-3550-16-069

*In the Matter of:*

**SCOTT DEHLING,**  
*Complainant,*

v.

**FREIGHT LOGISTICS, INC.,**  
*Respondent.*

**ORDER DISMISSING COMPLAINT**

This case was previously scheduled for hearing on June 6, 2017, in Tulsa, Oklahoma. On April 27, 2017, I granted a *Motion to Withdraw as Counsel of Record* filed by Complainant's counsel. Complainant's counsel explained that Complainant had failed to communicate with counsel and was not cooperating in complying with discovery obligations. In the same order, I directed Complainant to provide an update on the status of this case by May 29, 2017. Specifically, Complainant was directed to state whether he intended to proceed with his complaint or withdraw it and have it dismissed. If Complainant planned to proceed, he was directed to specify whether he intended to represent himself or seek representation. Complainant did not submit a response or make contact with my office.

On June 14, 2017, I issued an order scheduling a conference call with the parties for July 25, 2017, at noon (Eastern Time) to discuss the status of the case. A copy of the order was mailed to Complainant's address in Park Hill, Oklahoma. The copy mailed to Complainant was not returned to the Office of Administrative Law Judges as undeliverable. Counsel for Respondent called in as scheduled at noon. Complainant did not call in to the conference. We waited five minutes in the event Complainant had experienced difficulty with the conference call procedure before we went on the record. Counsel for Respondent moved to dismiss the complaint due to Complainant's abandonment of the case. I advised counsel that I would issue an order directing Complainant to show cause why his complaint should not be dismissed and that I would hold Respondent's motion to dismiss in abeyance until Complainant had an opportunity to respond. The conference call ended at approximately 12:10 p.m. (Eastern Time) and, as of that time, Complainant had still not called into the conference.

Section 18.21(c) of the Rules of Practice and Procedure for Administrative Hearings Before the Office of Administrative Law Judges specifies:

When a party has not waived the right to participate in a hearing, conference or proceeding but fails to appear at a scheduled hearing or conference, the judge may, after notice and an opportunity to be heard, dismiss the proceeding or enter a decision and order without further proceedings if the party fails to establish good cause for its failure to appear.

Complainant failed to appear at the scheduled conference call on July 25, 2017, and he has not made contact with my office in over four months despite three orders directing him to do so. The third order, issued on July 25, 2017 after the conference call, directed Complainant to show cause not later than August 18, 2017, why Respondent's motion to dismiss the complaint for abandonment should not be granted. As of the date of this order, Complainant has failed to respond to the show cause order. Accordingly, Respondent's motion to dismiss is **GRANTED** and Complainant's complaint is **DISMISSED** for abandonment. *See James v. Suburban Disposal, Inc.*, ARB Case No. 10-037 (Mar. 12, 2010) (unpub.) (An administrative law judge has the inherent power to dismiss a case for abandonment and that decision will not be overturned except upon a showing of an abuse of discretion).

**SO ORDERED.**

**MORRIS D. DAVIS**  
Administrative Law Judge