U.S. Department of Labor   Office of Administrative Law Judges
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Issue Date: 16 February 2021

CASE NO.: **2020-STA-00044**

In the Matter of:

SHEILA SANDERS,
          Complainant,

    v.

A PLUS HOTSHOT,
          Respondent.

DECISION AND ORDER DISMISSING CASE AS ABANDONED

    This case was set for a formal, telephonic hearing on January 27, 2021. On January 12, 2021, a mandatory pre-hearing conference call was to take place. Complainant's attorney was the only individual to make an appearance. Complainant's attorney could not locate Complainant. No one appeared for Respondent. As a result, I, Administrative Law Judge Larry W. Price, issued an order to cancel the January 27, 2021 hearing, and instead, hold a conference call in its place to determine how to proceed. I advised Complainant's counsel that if he was unable to locate Complainant prior to the conference call, the case would be dismissed as abandoned.

    At the January 27, 2021 conference call, Complainant's attorney was once again the only individual to appear. Complainant's counsel submitted an Advisory to the Court explaining his unsuccessful attempts to contact Complainant over the last two months. Neither Respondent nor Respondent's counsel appeared.

    The Rules of Practice and Procedure for hearings before an Administrative Law Judge provide:

> 29 C.F.R. § 18.21 – Party appearance and participation
>
> (c) *Failure to appear.* 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.

29 C.F.R. § 18.21(c).

Accordingly, case no. 2020-STA-00044 is hereby **DISMISSED AS ABANDONED.**

       SO ORDERED.

                           LARRY W. PRICE
                           Administrative Law Judge

LWP/KRS/jcb
Newport News, VA