



In the Matter of

SIMON CHARLES,
Complainant

Case No. 87-JSA-4

v.

RINEHART ORCHARDS, INC.,
Respondent

ORDER OF DISMISSAL

This case was initiated by an appeal of the Regional Administrator's decision dated November 7, 1986 filed on behalf of complainant by his attorney. The case was referred to this office for hearing by the Regional Administrator on March 9, 1987. Shortly thereafter, complainant's counsel stated that he was going to recommend to his client that the appeal be withdrawn. However, counsel has been unable to locate his client and obtain his agreement to this course of action. Subsequently, alleging that the appeal has been abandoned, respondent moved for dismissal.

In his decision of April 2, 1985, the State Hearing Examiner noted that:

It is also unfortunate that the complainant has not appeared to present testimony in this case. He had not been in recent contact with his attorney at the time the case was heard and an affidavit taken from him on September 27, 1983 was the only statement from him in the case. This leads one to wonder whether he is still even interested in the case or whether he was truly interested in the beginning.

State File at Tab 8, p. 3.

Thus it appears that the complainant has taken no part in these proceedings for over three years. By failing to participate in this case since 1984 as well as neglecting to apprise counsel of his whereabouts, it is apparent that complainant has no further interest in its outcome. Under

these circumstances, I find that the request for hearing has been abandoned and, in accordance with 20 C.F.R. § 658.425(a)(3), the request for hearing is dismissed.

JEFFREY TURECK
Administrative Law Judge

Dated: SEP 22 1987
Washington, DC
JT/jb