



Date: January 7, 1997

Case No.: 96-JSA-4 (formerly 94-JSA-6)

In the Matter of:

VICTOR B. POLEWSKY,
Complainant,

v.

VERMONT DEPARTMENT OF EMPLOYMENT
AND TRAINING and ELECTRICAL, UNLIMITED,
Respondents.

DECISION AND ORDER

The above-captioned matter is before this Office on Respondents' appeal of the determination by the Regional Administrator and Complainant's subsequent cross-appeal. On November 4, 1996, Respondent Vermont Department of Employment and Training filed a motion to dismiss. On November 25, 1996, I ordered the parties to show cause why this matter should not be dismissed for the reasons stated in Respondent's motion. Neither Complainant nor the Regional Administrator of the Department of Labor responded to that Order.

In support of its motion to dismiss, Respondent states that the employer at issue, Electrical, Unlimited, is no longer in business. Respondent submitted the affidavit of Thomas W. Douse, Director of the Employment and Training Programs Division. He states that he is responsible for the unemployment insurance program administered by the Vermont Department of Employment and Training and that Respondent Electrical, Unlimited went out of business and ceased providing employment on February 26, 1993. Respondent argues that this case is moot because the only relief which could be granted is the discontinuation of services, 20 C.F.R. § 658.501(a)(1), action which cannot be taken against an entity that no longer exists and which has no successors.

It appears, as Respondent suggests, that this matter has become moot by the termination of the entity Electrical, Unlimited. As Complainant and the Regional Administrator have offered no further argument or request for other relief, IT IS HEREBY ORDERED that this matter be DISMISSED.

SO ORDERED.

JOHN M. VITTON
Chief Administrative Law Judge

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