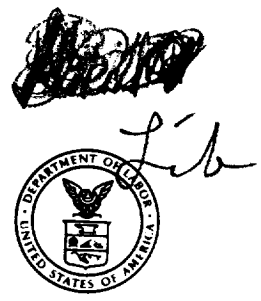


U.S. DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES
Suite 700-1111 20th Street, N.W.
Washington, D.C. 20036



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.....
IN THE MATTER OF :
NORTH DOKOTA JOB SERVICE OFFICE :
(Eleanor Foust) :
.....

Case No. 82-WPA-34

ORDER OF DISMISSAL

On September 21, 1982, Eleanor Foust requested a hearing in the above-captioned matter.

On February 2, 1983, Ms. Foust's counsel notified this Office that she had died and that the cause of action had expired with her. (See attachment)

Accordingly, it is hereby ORDERED that the above-captioned matter be DISMISSED.

EE Thomas
EVERETTE E. THOMAS
Deputy Chief Judge

Dated: 4 MAR 1983
Washington, D.C.

EET/SJB/wrs

Attachment

SERVICE SHEET

Case Name: Eleanor Foust

Case No.: 82-WPA-34

Title of Document: Order of Dismissal

I certify that a copy of the foregoing document was sent to the following on 4 MAR 1983.

Willetta Smith
Legal Clerk

Personal Representative
of Eleanor Foust
1084 Nachtway Dr., Apt 8
Dickinson, ND 58601

Job Service
Box 90
Dickinson, ND 58601

Thomas E. Hill
Acting Regional Administrator
U.S. Department of Labor
Employment & Training Administration
1515 Broadway
New York, NY 1036

Thomas Murtha, Esq.
Murtha & Murtha
Shamrock Bldg.
P.O. Box 1111
Dickinson, ND 58601

James Abram
Attorney
Office of the Solicitor
1585 Federal Bldg.
1961 Stout Street
Denver, CO 80294

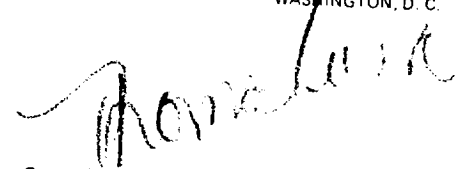
THOMAS F. MURTHA

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58601

DONALD M. MURTHA
OF COUNSEL
WASHINGTON, D. C.



February 2, 1983



The Honorable Everette E. Thomas
Deputy Chief Judge
U.S. Department of Labor
Office of Administrative Law Judges
Suite 700-1111 20th Street NW
Washington, D.C. 20036

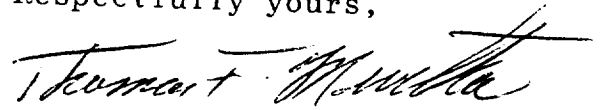
FEB 8 10 51 AM '83
OFFICE OF ADMIN
LAW JUDGES
U.S. DEPT. OF LABOR
WASHINGTON, D.C.

In Re: In the Matter of North Dakota Job Service Office
82-WPA-34

Dear Judge:

Please be advised that the claimant in the above entitled matter passed away on the 2nd day of January, 1983. Evidently she had been sick and in the hospital at the time that we were trying to locate her to complete our discovery. At the time that I discovered the fact of her death, I meant to write and inform the Court, but neglected to do so for which I am heartily sorry and hope that I have not caused the Court undue inconvenience. Again I apologize.

Respectfully yours,



Thomas F. Murtha

TFM:cp
enclosure

THOMAS F. MURTHA

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DONALD M. MURTHA
OF COUNSEL
WASHINGTON, D. C.

February 2, 1983

Mr. James Abrams
Attorney at Law
Office of the Solicitor
1961 Stout Street
Denver, Colorado 80294

Attn: SOL:DEN:JA:De

In Re: North Dakota Job Service Officer
82-WPA-34; SOL File No. 06512

Dear Mr. Abrams:

Please be advised that Eleanor Foust died and evidently had been ill and in the hospital at the time that we were trying to find her. I only found out that she died when I read it in the newspaper and had been waiting to receive some word from one of her heirs. This never happened.

At any rate, I believe that our cause of action, whatever it was, died with her.

I'm sending a copy of this letter to Judge Thomas, along with an explanation of my delay in informing the Court.

Sincerely,



Thomas F. Murtha

TFM:cp
cc Judge Thomas

Obituary

Eleanor Foust

Eleanor Foust, 64, of Glendive, Mont., died Sunday at a Bismarck hospital.

The funeral is 10 a.m. at Sacred Heart Catholic Church, Glendive, with burial following in the Dawson County Cemetery.

She was born Sept. 29, 1918, in Dawson County to John and Barbara (Hess)

Mayer. She married Calvin Foust in 1960.

Survivors include sons, Gary Heltemes, Woodward, Okla., and Duane Heltemes, Glendive; a brother, John Mayer, Glendive; sisters, Mary Linn, Billings, Mont., and Agnes Milner, Seattle, Wash.

(Silvernale Mortuary.)

This appeared in the Saturday, January 8, 1983, Dickinson Press

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The Honorable Everette E. Thomas
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U.S. Department of Labor
Office of Administrative Law Judges
Suite 700 - 1111 20th Street NW
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