



Issue Date: 27 October 2006

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In the Matter of

JOSEPH LEWMAN
Complainant

Case No. 2006 STA 00018

v.
KEN BRICK MASONRY SUPPLY
Respondent

.....

Order Dismissing Complaint

Pursuant to prior notice, a hearing convened in the above-captioned matter on September 21, 2006. Respondent, Ken Brick Masonry Supply, appeared at the hearing represented by its president, Reed Kennedy. Complainant, Joseph Lewman, however, failed to enter an appearance either in person or through counsel and, otherwise, failed to communicate the need for a continuance. Accordingly, on September 23, 2006, an order issued which required Mr. Lewman, to explain his failure to appear at the hearing and show cause, on or before October 13, 2006, why this matter should not be dismissed.

The Show Cause Order acknowledged that Mr. Lewman is acting *pro se* in this proceeding and urged him to seek the assistance of counsel; but it also advised him specifically that if he did not respond to the order, his complaint would be dismissed. Indeed, OSHA, in its March 2, 2006, determination, dismissed the complaint "due to a lack of cooperation on the part of Complainant." Mr. Lewman has now failed to respond to the Show Cause Order. Accordingly;

ORDER

IT IS ORDERED that the complaint filed in this matter by Joseph W. Lewman be, and it hereby is, dismissed.

Stuart A. Levin
Administrative Law Judge

