

U.S. Department of Labor

Office of Administrative Law Judges
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Cherry Hill, NJ 08002

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Issue Date: 16 April 2008

Case No.: 2007-CAA-00005

In the Matter of:

LAYTON CERVANTES
Complainant

v.

PARKWAY VILLAGE EQUITIES CORP.
Respondent

ORDER OF DISMISSAL

On March 19, 2008, an *Order Cancelling Hearing; and Directing Complainant to Show Cause Why Case Should Not be Dismissed* was issued directing Complainant to show cause, in writing, within fifteen days why this case should not be dismissed for his failure to prosecute the complaint.

On March 25, 2008 my legal assistant spoke with Complainant by phone wherein Complainant advised of his current address. On the same date, my legal assistant sent Complainant a copy of my March 19 Order via Federal Express.

To date, Complainant has failed to respond to my March 19 Order, and with time for such filing expired, the parties are hereby advised that this matter is **DISMISSED**.

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ADELE H. ODEGARD
Administrative Law Judge

Cherry Hill, New Jersey

NOTICE OF APPEAL RIGHTS: This Decision and Order will become the final order of the Secretary of Labor unless a written petition for review is filed with the Administrative Review Board ("the Board") within 10 business days of the date of this decision. The petition for review must specifically identify the findings, conclusions or orders to which exception is taken. Any exception not specifically urged ordinarily will be deemed to have been waived by the parties. The date of the postmark, facsimile transmittal, or e-mail communication will be considered to be the date of filing. If the petition is filed in person, by hand-delivery or other means, the petition is considered filed upon receipt.

The Board's address is: Administrative Review Board, U.S. Department of Labor, Suite S-5220, 200 Constitution Ave., NW., Washington, DC 20210.

At the same time that you file your petition with the Board, you must serve a copy of the petition on (1) all parties, (2) the Chief Administrative Law Judge, U.S. Dept. of Labor, Office of Administrative Law Judges, 800 K Street, NW, Suite 400-North, Washington, DC 20001-8001, (3) the Assistant Secretary, Occupational Safety and Health Administration, and (4) the Associate Solicitor, Division of Fair Labor Standards. Addresses for the parties, the Assistant Secretary for OSHA, and the Associate Solicitor are found on the service sheet accompanying this Decision and Order.

If the Board exercises its discretion to review this Decision and Order, it will specify the terms under which any briefs are to be filed. If a timely petition for review is not filed, or the Board denies review, this Decision and Order will become the final order of the Secretary of Labor. *See* 29 C.F.R. §§ 24.109(e) and 24.110, found at 72 Fed. Reg. 44956-44968 (Aug. 10, 2007).