



In the Matter of:

WILLIAM G. SPADY, III,

ARB CASE NO. 97-100

COMPLAINANT,

(ALJ CASE NO. 96-STA-28)

v.

DATE: June 24, 1997

ROADWAY EXPRESS,

RESPONDENT.

BEFORE: THE ADMINISTRATIVE REVIEW BOARD

FINAL ORDER OF DISMISSAL

Before us for review is the [Recommended] Order of Dismissal With Prejudice issued on May 13, 1997 by the Administrative Law Judge (ALJ) in this case arising under Section 405, the employee protection provision, of the Surface Transportation Assistance Act of 1982, 49 U.S.C. A. § 31105 (1994). On May 28, 1997, the Board issued an Order to Show Cause why this matter should not be dismissed based on the following procedural history. On April 10, 1997, the ALJ issued an Order to Show Cause why the complaint should not be dismissed because of Complainant's failure to comply with the ALJ's pretrial order and for failure to appear at the time and place scheduled for hearing. Complainant did not respond to the ALJ's Order to Show Cause.

Complainant did not respond to the Board's May 28, 1997 Order to Show Cause. The record therefore fails to disclose circumstances explaining or excusing the party's noncompliance with the ALJ's and the Board's Orders to Show Cause. Therefore, the Board adopts the ALJ's Order of Dismissal. *David L. Somhorst v. Silver Eagle Transport*, Case No. 97-STA-4, ARB Fin. Order of Dismissal May 13, 1997; *Abdul Wahid Mohammad Ali v. Kresser Nationwide Truck Load Services*,

Case No. 92-STA-11, Sec. Dec. June 15, 1992; *see also* 29 C.F.R. § 18.7, 18.29 (1996) (ALJs empowered to order submissions of prehearing statements and to issue orders necessary to the conduct of fair and impartial hearings). The complaint is hereby dismissed with prejudice.

SO ORDERED.

DAVID A. O'BRIEN

Chair

KARL J. SANDSTROM

Member

JOYCE D. MILLER

Alternate Member