

**BEFORE THE OKLAHOMA MERIT PROTECTION COMMISSION
STATE OF OKLAHOMA**

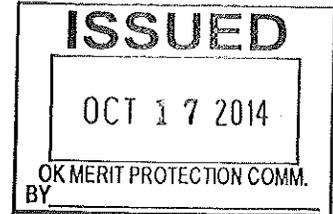
THOMAS ZACH,
Appellant,

v.

**OKLAHOMA EMPLOYMENT
SECURITY COMMISSION,**
Appellee.

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Case No. MPC 14-018



ORDER OF DISMISSAL WITH PREJUDICE

THE ABOVE STYLED AND NUMBERED CAUSE came on before the undersigned Administrative Law Judge, Lydia Lee for final dismissal of the matter.

This appeal was originated by a request for review filed by Appellant in July, 2013. After failed negotiation conferences, the matter was set for Prehearing Conference on November 6, 2013. Appellant requested a continuance which was granted and the Conference was continued until February 26, 2014. Appellant again requested a continuance in order to conduct discovery. This continuance was denied as discovery did not have to be completed in order to hold the Prehearing Conference. The Conference was held on February 26, 2014 and was attended by all parties. Appellant was directed to file his Prehearing Statement within 10 days. On March 9, 2014, Appellant asked for additional time to file his Statement, and he was given an extension until March 14, 2014. The administrative hearing was set for June 4 and 5, 2014.

Appellant never filed his Prehearing Statement, nor did he ever file a witness or exhibit list. In addition, Appellant never responded to the Appellee's discovery requests. On May 22, 2014, the Appellee filed a Motion to Dismiss and a Motion for Summary Judgment as a result of Appellant's failure to respond to discovery. On Jun 2, 2014, a Status Order was entered and due to several reasons, the hearing was stricken and a show cause hearing was scheduled for June 18, 2014. Appellant and Appellee were directed to respond to and/or supplement the discovery by June 10, 2014. Again, Appellant requested a continuance of the Status Conference, which was granted. On July 3, 2014, the Appellee reasserted its motion to Dismiss, based upon Appellant's failure to respond to the Discovery as ordered. Another Show Cause Order was issued on July

14, 2014, directing Appellant to show cause that he had not complied with the previous Orders of this tribunal. Appellant's only response was to request a hearing. A Status Conference was scheduled for August 13, 2014. Rather than appear at the Conference that he had requested, Appellant chose to file a Motion to Dismiss, including various unsubstantiated allegations of wrongdoing on the part of the Appellee. Appellee appeared at the Conference, denied the allegations and advised that Appellant had never complied or responded to any of the Discovery requests. A Status Conference Order was entered noting this information and dismissing the appeal for failure to prosecute.

On August 24, 2014, Appellant filed a Response to the Status Order, including scandalous and unsupported allegations of corruption on the part of the Appellee, the MPC and the undersigned Administrative Law Judge. This Response is wholly unsupported by the facts in this case. For example, Appellant makes the statement that the Judge offered no support to the Appellant at all. Given the numerous continuances that were granted to the Appellant as well as the many opportunities that were extended to permit the Appellant additional time to respond to his failure to comply with the various Orders, this allegation is scurrilous and insulting to all participants in this hearing. It should be noted that the behavior of the Appellant could have subjected him to an order of sanctions pursuant to 455:10-3-19 and 455:10-13-11.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the appeal of Appellant, THOMAS ZACH, is DISMISSED WITH PREJUDICE.

IT IS SO ORDERED THIS 17th DAY OF OCTOBER, 2014.



Lydia Lee, OBA # 10374
Administrative Law Judge