

IN THE OREGON TAX COURT  
MAGISTRATE DIVISION  
Income Tax

SUSAN R. DODGE,	)	
	)	
Plaintiff,	)	TC-MD 030829D
	)	
v.	)	
	)	
DEPARTMENT OF REVENUE,	)	
STATE OF OREGON,	)	
	)	
Defendant.	)	<b>DECISION OF DISMISSAL</b>

This matter is before the court on its own motion to dismiss this case for want of prosecution.

A case management conference was scheduled to begin at 11:00 a.m. on Wednesday, August 6, 2003, to consider Plaintiff's appeal. The court sent notice of the scheduled conference to Plaintiff in a notice dated June 16, 2003. The notice was sent to Plaintiff at 23405 N.W. Moreland Road, North Plains, Oregon 97133, which is the address Plaintiff provided to the court. The notice was not returned as undeliverable.

A case may be dismissed when the participant seeking relief fails to appear. For purposes of a telephone proceeding, a participant "appears" by being available at the telephone number provided to the court by that participant on the date and at the time prescribed.

On July 25, 2003, Plaintiff telephoned the court. She stated that she wanted to withdraw her appeal. The court requested that she submit a written statement requesting the court to dismiss her appeal. As of this date, Plaintiff has not submitted a written request.

Because Plaintiff failed to appear for the scheduled proceeding and she previously

orally advised the court that she planned to withdraw her appeal, the court finds the case should be dismissed. Now, therefore,

IT IS THE DECISION OF THIS COURT that the Complaint is dismissed.

Dated this \_\_\_\_\_ day of August, 2003.

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JILL A. TANNER  
PRESIDING MAGISTRATE

**IF YOU WANT TO APPEAL THIS DECISION, FILE A COMPLAINT IN THE REGULAR DIVISION OF THE OREGON TAX COURT, BY MAILING TO: 1163 STATE STREET, SALEM, OR 97301-2563; OR BY HAND DELIVERY TO: FOURTH FLOOR, 1241 STATE STREET, SALEM, OR. YOUR COMPLAINT MUST BE SUBMITTED WITHIN 60 DAYS AFTER THE DATE OF THE DECISION OR THIS DECISION BECOMES FINAL AND CANNOT BE CHANGED.**

**THIS DOCUMENT WAS SIGNED BY MAGISTRATE JILL A. TANNER ON AUGUST 8, 2003. THE COURT FILED THIS DOCUMENT ON AUGUST 8, 2003.**