

**THE DISTRICT OF COLUMBIA**

**BEFORE**

**THE OFFICE OF EMPLOYEE APPEALS**

_____ )	
In the Matter of: )	
Keisha Hill )	OEA Matter No. 1601-0420-10
Employee )	
)	Date of Issuance: December 20, 2012
v. )	
)	Joseph E. Lim, Esq.
Dept of Parks & Recreation )	Senior Administrative Judge
Agency )	
_____ )	
Keisha Hill, Employee pro se	
Lindsay Neinast, Esq., Agency Representative	

**INITIAL DECISION**

PROCEDURAL BACKGROUND AND FINDINGS OF FACT

On September 30, 2010, Employee filed a petition for appeal with this Office from Agency's final decision suspending her for fifteen days from her position of Staff Assistant for Neglect of Duty and Incompetence. The matter was assigned to the undersigned judge on July 18, 2012. I issued an Order directing the parties to submit a Prehearing Statement and to attend a September 21, 2012, Prehearing Conference.

Despite prior warnings that failure to comply could result in sanctions, including dismissal; Employee failed to attend the conference nor did she submit a prehearing statement. Employee also failed to respond to an Order for Good Cause Statement. The orders stated, in pertinent part, that failure to respond in a timely manner could result in the imposition of sanctions, including the dismissal of the petition. The Order was mailed to Employee by first class mail, postage prepaid to the address listed on her petition for appeal. The Order was returned to OEA with the notation: "Attempted, Not Known, Unable to Forward". There is nothing in the file to indicate that Employee notified this Office that her address had changed. The record is closed.

JURISDICTION

The Office has jurisdiction in this matter pursuant to D.C. Official Code § 1-606.03 (2001).

ISSUE

Whether this appeal should be dismissed for failure to prosecute.

ANALYSIS AND CONCLUSION

OEA Rule § 621.3, 59 D.C. Reg. 2129 (2012) provides as follows:

If a party fails to take reasonable steps to prosecute or defend an appeal, the Administrative Judge, in the exercise of sound discretion, may dismiss the action or rule for the appellant.” Failure of a party to prosecute or defend an appeal includes, but is not limited to, a failure to:

- (a) Appear at a scheduled proceeding after receiving notice;
- (b) Submit required documents after being provided with a deadline for such submission; or
- (c) Inform this Office of a change of address which results in correspondence being returned.

The employee was warned in each order that failure to comply could result in sanctions including dismissal. The employee never complied. Employee’s behavior constitutes a failure to prosecute her appeal and that is sound cause for dismissal.

ORDER

It is hereby ORDERED that the petition in this matter is dismissed for failure to prosecute.

FOR THE OFFICE:

JOSEPH E. LIM, Esq.  
Senior Administrative Judge